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B7551.21

Bd. Oct. 1872.

1826
25

The Gifts of
Charles Eliot Norton,
of Cambridge (H.U. 1846)
1868, May 29,
Hon. John Gorham Palfrey
of Cambridge (H.U. 1815)
1868, September 9.

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1. See Opposite.

2. International Copyright Association. Meeting of Authors and Publishers, April 9, 1868, etc. New York. 1868.

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Gerhard, Fred.

WILL THE PEOPLE OF THE UNITED STATES BE BENEFITED BY AN International Copyright Law, OR, WILL SUCH A LAW BE AN INJURY TO THEM?

BY

FRED'K GERHARD.

NEW YORK.

1868.

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B 7551.24

BOUND MAY 22 1913

1868, Mar. 23.
Gift of
Chas. E. Norton,
of Cambridge
(Class of 1846).

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TO THE HONORABLE

MEMBERS OF CONGRESS,

Most Respectfully Dedicated,

BY

THE AUTHOR.

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THE question of International Copyright has a manifold bearing, for it not only affects the pecuniary interests of a large number of our citizens, but also the intellectual life and progress of the whole nation; and for that reason it should be examined carefully and calmly, and considered in all its various relations to the rights and the welfare of the people at large. Such an examination of the subject makes it necessary, firstly: To analyze the terms "intellectual property" and "literary property;" secondly: To fully understand the purport of an international copyright law; and thirdly: To consider the effects such a law would of necessity produce. It is my purpose to discuss these leading ideas in as short and clear a manner as possible, and I believe that such a discussion will convince the most inveterate antagonist of my views on this question that an International Copyright Law would be injurious to the best interests of the people of the United States.

The prohibition of the reprint of literary works which is incorporated into the laws of all civilized nations, presupposes a "right," which it is the purpose of this prohibition to protect, and this right is now generally known by the terms *intellectual property* or *literary property*. To judge of the right or

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wrong of national and international reprint, it is necessary to weigh and answer the following questions: 1. "What is intellectual property, and in what does it consist?" and 2. "What is literary property, and how is it distinguished from intellectual property?" Neither the Roman nor the Common law, the foundation of the modern jurisprudence of all civilized nations, know such terms as "intellectual property" or "literary property;" neither are they found in the positive laws of modern times; they are not well-defined legal terms, but are merely accepted by common consent as terms expressive of certain ideas, and have become established to a certain extent by usage. Although much has been said and written upon this subject, the abstract ideas conveyed by the terms "intellectual" and "literary" property, are only vaguely defined, and its bearings and limits are by no means fixed. Consequently, the right so denominated, has no established position in the legal code, which would so limit and define it as to put it on an equality with other acknowledged rights, vested by law in individuals. The term "property" itself is, in fact, only applicable to material substances, over which the owner has a perfect and exclusive control, of which he can at his pleasure dispose, and which he can alter or destroy at will. Now these qualities do not appertain to what is termed literary or intellectual property. A person's ideas or thoughts are his intellectual property only so long as

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they remain unuttered and unknown to others; but the moment he communicates them to the public, by speech, designs, writing, or any other mode, they cease to be his exclusive property and belong thenceforth to the community at large; for from that moment he has lost control of them, he can no longer alter or destroy them at will. The oration pronounced from the rostrum, the sermon preached from the pulpit, cease to be the intellectual property of the orator or preacher, as soon as publicly delivered, just as a new contrivance introduced in mechanics, or a new pattern designed by the manufacturer, becomes common property, as soon as brought into market. We may therefore define the term "intellectual property" as a man's thoughts and ideas, as long as they are not made public. The versification of the poet, the results of the philosopher's experiments, the ideas of the inventor, the patterns of the manufacturer, the fashions of the *modiste;* all are intellectual property, until made the common property of everybody by verbal or written description, design, model, or any other mode. Once published and the poet cannot efface his poem from the memory of his readers, the philosopher hinder the utilization of his discovery, the inventor limit the benefits of his invention, the manufacturer withdraw his new pattern, or the *modiste* prevent the general adoption of the fashion introduced by her; all these thoughts and ideas cease

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to be the property of the individual and become the property of the many.

But if we consider the bearing of this right in regard to literature, we find that comparatively very few works are really the intellectual property of their authors. Most of them merely recount facts and thoughts which were previously announced or expressed by others, consequently they were already common property, and are now again communicated in another form. Our century is rich in works on the natural sciences, but few of them contain anything not already discovered by the fertile brain of a Humboldt, a Cuvier, a Linné, and other great thinkers. The majority are merely reproductions of the intellectual property of these great discoverers in science. The standard historical works of Macaulay, Bancroft, Motley, and Prescott, contain no *new facts*, but only present in a *new shape* a narrative of events previously known to mankind, and consequently are *common* property. So, also, with the works of poets and novelists; they enlarge on themes either from history, or upon such subjects as are brought under their notice by observation of men and life in their various phases. Very little intellectual property is found in any modern work, but instead, reproduction, *i. e.*, representation of *old* facts and thoughts in a new dress. Original intellectual property in literature is not protected at all; were it by law established

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a monopoly, the printing presses of the world would be idle and the progress of civilization would cease.

Analogous to the term "intellectual property" is the other, *literary property*. They differ, however, from each other in this, that intellectual property represents only thoughts and ideas unuttered, while literary property means rather the form in which thoughts and ideas are expressed or facts communicated. Like "intellectual property," the term, "literary property," is not well-defined or known to the law. Distinguished philologists, like Jacob Grimm, protest against the use of the former; great publicists, among others Savigny, have entirely ignored such a right as "literary property." Properly, we can only speak of "a right in literary products," or "a right of reproduction." This right certainly needs protection, *i. e.*, not in order to grant a monopoly to a few individuals, but in the interests of science and the common weal, as clearly expressed in Article 1, Section 8 of the Constitution, which reads: "Congress shall have power to *promote the progress of science and the useful arts*, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." And this leads us to "copyright" and "reprint."

There exists a very material difference between *national* and *international* copyright; the former protecting against reprint in the author's own country, and the latter against reprint in foreign, particularly

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trans-Atlantic countries. A National Copyright Law has existed for a long time in the different European countries, although not alike in all. As regards Germany, it is only within the last forty years that the copyright laws in that country have been so assimilated, as to protect an author in all the German States. Slight differences are even now to be found between the laws of the various German States on this subject. The *purpose* of such a law, however, is, as above quoted from the Constitution, not to create a monopoly for authors and publishers, but to promote science and art. The laws against reprint serve as a *means* to this end, for no publisher would stake his capital on the success of a work, if he were not secured against the competition of other publishers, who, while paying no more for paper and printing, pay nothing whatever to the author, and would, therefore, be enabled to sell their publications much cheaper. It is, therefore, only just to secure to authors, for a certain number of years, the fruits of their labor. For this purpose the laws of some countries grant to the author protection against reprint for a stated time, or, as is the case in some instances, for the author's lifetime, and even for several years after his death, the same privilege being continued to his heirs.

The country in which the law of copyright is most clearly defined and fixed, is, without doubt,

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Germany. The reason of this is, that the country being divided into many independent governments, not bound by a common copyright law, it needed only the success of a work in one State to have it extensively reprinted in the others—a state of things which rendered it a ruinous undertaking for a publisher to risk his capital in the publication of a really good work. The production of good books being hampered in this way, the people at large suffered from the impediments thus presented to the progress of science and art, and this—not the purpose of enriching a few authors and publishers at the expense of the nation—led to the passage of the Copyright Law as now in force in Germany, and by virtue of which an author or publisher in one German State has his copyright protected in all the others. Formerly, matters in Germany were analogous to a state of things which would make a copyright secured in one State of the Union worthless in any of the other States, an author or publisher having no protection outside of his own State; but, thanks to the wisdom of the founders of our Republic, this protection is secured to every citizen of the United States by the Constitution, as long as that instrument is the fundamental law of the land.

After the Copyright Law, rendered a necessity to *promote the progress of science and art*, was thus passed in Germany, the egotism of some authors and pub-

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lishers in that country occasioned an attempt to push it beyond its legitimate compass, and beyond the scope of its usefulness, as circumscribed by the common weal. During the last few years, for instance, the Copyright Law was further extended by the addition of a clause which gives to authors the right to reserve to themselves the translation of their works into foreign languages. This clause forbids the translation of any copyrighted work without permission of the author, provided he has complied with the regulations, by printing on the title-page the words, "Right of translation reserved." But what were the results? While formerly a large number of the works of German authors were translated into foreign languages, while the works of a Humboldt, a Schiller, a Goethe, and many other writers, were rendered into nearly all living tongues, and thousands of people of all nations, ignorant of the German language, could enjoy the literary wealth of Germany, only two or three German works have been translated in Europe since the passage of this addition to the Copyright Law, and thus, this regulation, brought about by a few authors and publishers interested in its establishment, has confined the usefulness of many a first-rate work within the narrow limits of one nation.

Another abuse of the Copyright Law was only a few months ago made manifest in Germany. The copyright of the works of Goethe, Schiller, and other classic authors, expired during the latter part of

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1867. Although the monopoly of publishing these works had extended over a long term of years, an association of authors issued a circular appealing to the "honor" of publishers, and calling upon them not to publish, even now, any of that series, without first obtaining the permission of the heirs of the authors. And this, notwithstanding the law in consequence of which the copyright of these works was to terminate on the 9th November, 1867; and notwithstanding the fact that the great majority of the German people were, until then, unable to buy these works, on account of their high price. Of course, the aim of this circular was to pronounce, so to say, a social and moral excommunication against publishers who might act in accordance with the law, by printing some of the above works; but in this, the parties who issued this circular were luckily foiled, and thus public interest protected. Already several cheap editions have appeared, and how well they meet the wishes and interests of the people at large, is proved by the fact that one of these editions has reached the enormous number of over one hundred thousand copies, and the others have also attained a very large circulation.

These facts are merely mentioned, because, although not directly bearing on the American Copyright Law, they serve to show to what mistakes a too liberal latitude of its principles may lead, if we lose sight of the fact that, as the above-quoted passage

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from the Constitution has it, the aim of a Copyright Law is solely "*to promote the progress of science and the useful arts*"—in other words, that a Copyright Law is not an end in itself, nor a means in order to create monopolies, but rather furnishes the means to an end, *i. e.*, to the attainment of the above mentioned lofty aim.

No reasonable man will blame an author for selling the products of his brain as high as possible, but authors should not forget, on the other hand, that they have a nobler calling than the professional man or the mechanic; that their aim should not merely be to make money, and that if they oppose the harmonious working of the international exchange of ideas, by reprints and translations in other countries, *they also oppose the progress of popular knowledge.* The higher and more ideal value of literary work should certainly be consulted, and authors and publishers should allow the moral worth of their labors, as well as the financial gains, to influence their dealings with the people. American authors and publishers have probably less cause to act contrary to this maxim than all others, for in no country are authors better paid than in the United States, and that the publishing business here is a lucrative one, compared with Europe, the many wealthy and prosperous publishing firms in the United States attest.

The next subject to be discussed is *International*

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Copyright. This may be defined as a treaty between two governments, by virtue of which books published in one of the two countries cannot be reprinted in the other. If a *national* copyright is in the interests of the public good, and of science and art, an *international* copyright is, on the contrary, a measure *opposed to the common weal*, because it taxes whole nations and continents, for the benefit of a few individuals, creates an obstacle to the spread of knowledge, and is, consequently, opposed to the progress and best interests of the people.

International copyright is a modern European institution. Only during the last decade have several European States concluded treaties with other States to that effect; for instance, England, France and Belgium, with Prussia; France and England, with Saxony; and Congress has also several times been petitioned in favor of such a measure, but has always, after thorough deliberation, refused to grant these petitions in reference to the passage of an International Copyright Law. In arriving at this decision, Congress was guided by the principle that in international legislation the good of the whole people of the United States should be consulted rather than that of other nations. This consideration, coupled with Washington's warning, to beware of "entangling alliances," and, above all, the paramount importance of *popular education*, have hitherto foiled all attempts to bring about this measure.

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Notwithstanding repeated failures, the friends of International Copyright have again introduced a bill into Congress and are urging its passage with an earnestness which shows that they will leave no stone unturned to attain their ends. While this bill is pending, it may serve a good purpose to inquire, first: what moral foundation such a law would have; second: from what motives these repeated efforts for its passage spring; third: who are the authors of these attempts, and finally, whether it would be to the interests of the people of the United States that such a law should be passed.

In discussing the moral right of the reprint in America and other continents, of works published in Europe, the question of the existence of intellectual and literary property holds a prominent place. That question I have already answered, and I think I have clearly proved that the idea of intellectual or literary property, as understood by the advocates of the International Copyright Law, is entirely at variance with the definition of the word "property," as given by the highest legal authority. I have also shown that intellectual or literary property does not and cannot exist, because the necessary qualities and conditions of property are lacking, and that the very terms "intellectual" or "literary" property are merely empty phrases.

I have been forced by the necessarily limited space at my disposal to state only the cardinal points of

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this question. The fullest justice is done to the subject in the "Letters on International Copyright," by Henry C. Carey, Esq., the greatest writer on Political Economy, of our times. So clearly and logically has the question been treated in these letters (of which a new edition, enlarged by the addition of an article on reprint, has recently been published by Messrs. Hurd & Houghton of New York), that no impartial reader can possibly remain an advocate of the false doctrine of "intellectual property." If then, this doctrine falls to the ground by its own inherent fallacy, it is equally certain, that the right in literary products can, in the interest of the whole people, only exist in a *national* sense in each respective country, and that, to extend it over *foreign* countries, means to impede the progress of knowledge, and consequently must prove an obstacle to the onward march of civilization.

It is also a fact, that from Europe in the past, all knowledge has emanated; that all intellectual progress is the common property of mankind, and that non-European nations have not, as yet, any literature of importance of their own (with the exception of the Greek, Oriental, and Hindoo literatures, which, however, are of no practical influence on the intellectual development of modern times), and are therefore forced to draw on the literary treasures of Europe in order to keep pace with the advancing civilization of the world.

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These facts present an abundant moral justification of the right of reprint in this and other non-European countries.

The motives from which the efforts for the passage of an International Copyright Law spring, are of a two-fold character. We find them based principally on the wrong perception of the doctrine of literary property. And this cannot surprise us, for by far the greatest part of the people take very little interest in literary rights and affairs, and it is natural that, with the exception of those who make the study of this question a specialty, the community at large should know but little about it. This ignorance, coupled with the respect for the word "property" inherent in every honest man, has brought about the hue and cry against reprint in non-European countries, which for years has been kept up by a few interested authors and publishers in Europe, who designate reprint publishers as thieves, robbers, rogues, and pirates. How inapplicable such denunciations truly are will appear from the fact that the Harpers, Appletons, and other eminent publishing firms, are among those to whom such epithets are meant to apply, for all these houses have reprinted extensively, and yet their character for commercial integrity has ever been without a blemish. Indeed, the parties who so freely denounce the reprint publishers may consider themselves fortunate, if they have as little claim to these choice epithets as the objects of their

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anger. To these attempts of some European authors and publishers to overawe every one not of their own opinion as to the expediency of an International Copyright Law, are now added the efforts of a few American authors and publishers, who, to promote their own interests, wish to bring about this measure. I say a *few* advisedly, for by far the greater part of the above class are too patriotic to lose sight of the public good in order to further their own interests. These few clamorous authors are not satisfied to obtain for their literary labors a pecuniary reward unheard of in Europe, and their publishers are not content with the immense sale of their publications, rendered possible by the vast extent and continually increasing population of the United States, but they would tax the whole world for their personal benefit.

On the other hand, some American publishers would fain have the monopoly of the works of European authors, and should they gain their ends, would sell their publications at prices which would make it impossible for the majority of American readers to purchase them. The present extraordinary cheapness of the works of English authors, enables thousands to obtain them. But grant the demands of the advocates of an International Copyright Law; let their efforts be crowned with success; give them the monopoly they so urgently crave; and at once the prices of their publications will increase three and four-fold, and they will be placed beyond the reach of the great

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mass of the people. Therefore, an International Copyright Law would be *against* the interests of the American people.

The United States is not, like Europe, the land of monopolies, but the land of liberty. Political and social liberty, however, is not complete without the fullest freedom of exchange of thought, and this freedom is not alone based on the liberty of the press, but finds its most perfect expression and safeguard in *the free and untrammelled exchange of the literature of all nations.* Whatever impedes this free exchange interferes with the great fundamental ideas of mankind—universal freedom and fraternization of all nations. International Copyright is an European institution, but even in Europe, we would seek its advocates in vain among the men of science. We would find them rather in the ranks of novelists and journalists, although there are many of these latter two classes who are also decidedly opposed to an International Copyright Law. But, supposing even the whole of monarchical Europe demanded this measure, should that rule our action in this matter, who profess to be the champions of freedom? How different are the laws and the whole manner of observing men and things in Europe from those which obtain here? *There*, for instance, many trades and professions need concessions and privileges totally unnecessary and unknown *here*; *there*, contracts for services to be rendered may be entered into for long terms—*here*, such terms are

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limited; *there*, exist monopolies—*here*, none; *there*, is a nobility, primogeniture, feudalism—*here*, all these are unknown; *there*, class-privilege obtains before the law—*here*, everybody is alike before the law; *there*, game is property—*here*, free to everybody; *there*, people would be ashamed to carry a small parcel in the street—*here*, the wealthiest is not ashamed of labor, for labor is honorable; *there*, the press is gagged by all manner of restrictions—*here*, it is free. In Europe—aye, in Berlin, the "modern Athens of Europe," the so-called seat of intelligence and civilization, only a few months ago a court condemned a representative of the people to two years' confinement in the penitentiary, who had, in his seat in the Chamber, candidly uttered his opinion on some question before the house, because he considered it his duty to do so—*here*, freedom of speech is guaranteed; *there*, men are contented as subjects—*here*, people are proud to be free citizens; *there*, "orders" and decorations are held to be proud distinctions—*here*, a man who would accept them would expose himself to ridicule, and every American, conscious of his dignity as a free citizen, would regard even the offer of such a mark of servitude as an insult. In Europe, a man entertaining Republican views is imprisoned—*here*, a man who would try to overthrow the Republic, and substitute monarchy, would commit high treason, punishable with death. What a difference in the institutions, and how hetero-

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geneous the manners and customs of the two countries! Shall, then, the United States, who stand alone in the world as the champions of real social and political liberty, and who have given to the world a brilliant example of the power of free institutions—shall this country, untrue to its great past, and to its still greater future, *follow monarchical Europe* in the solution of so important a question as International Copyright? Shall we follow monarchical Europe, the whole influence of which is directed *against* the free development of mankind? Is it not rather our duty to watch our independence with Argus eyes, in this, as in all other respects; to bar every opening to European influence, and in this battle for the unshackled development of popular intellectual life to stand in the van of the world?

I repeat, the United States is not the land of monopolies, but the powerful protector of free competition. America, acting in accordance with this principle, offers to all countries from which it draws intellectual succor, a full equivalent; it says to the whole civilized world, reprint any of our works you will, and cull what pleases you. *The interests of popular education and fraternization of nations suffer no intellectual monopoly, but demand the fullest spread of knowledge all over the world and the untrammelled exchange of the literature of all countries without let or hindrance.* The independent and free development of the powers and inclinations given to mankind

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by the Almighty being necessary to fulfil the ends of His creation, no impediment should be placed in the way of the most free and perfect exchange possible of the products of the human mind. Obstacles to the free exchange of thought can only be raised by individual interest, and must of necessity be detrimental to the public good.

As above remarked, American authors enjoy a greater remuneration for their labors, than those of any other nation, and do not need protection against foreign reprint. But to tax the people of the United States for the benefit of European authors would be as manifestly unjust, as to tax us for the benefit of European statesmen, generals, &c. Upon every nation devolves the duty of seeing its authors sufficiently well paid. This duty is discharged in the United States directly by the people themselves, who read more than the people of Europe, because they are enabled, by the increased prosperity arising from free institutions, to secure not only bodily but intellectual food in abundance. Consequently, very much larger editions are demanded, and this enables publishers to pay authors more liberally than is done in Europe.

If European authors are desirous of obtaining greater remuneration, let them labor for free institutions, and the success of their efforts will increase reading and the sale of books. At present, in Europe, the larger number of readers are dependent upon the circulating libraries for their instruction or

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amusement, and these furnish but poor substitutes for purchased books, and are really an obstacle to intellectual development, for such books only can be procured from them as their managers see proper to furnish, and that only for a limited time; and further, the existence of these circulating libraries prevents the publication of large editions of popular works, such as are issued in America.

If European readers were enabled to purchase for themselves their literature on a more extended scale, European publishers could afford to pay authors as liberally as American authors are paid. A *free* people is always a thinking and a *reading* people; and in the same proportion, as the freedom of a nation is developed, so its desire to read develops itself, and also the pecuniary ability to gratify that desire by purchasing books.

No people read more than the American people, thanks to their free institutions, and thanks, also, to their magnificent free-school system. What other country of the same population can boast of a yearly expenditure of forty to fifty million dollars for educational purposes? The greater part of this sum is raised by direct taxation, and the money so obtained is not only expended on American children, but also on the children of immigrants and many thousands of adults who arrive on our shores, unable to read or write. Thus the American people educates readers —educates them with funds provided by the people.

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And after a reading public is thus formed, which has no equal upon earth, should the same people who have brought about this result by taxing themselves willingly for so noble a purpose—who have rendered possible so grand and vast a system of popular education—who have created this thirst for knowledge, and consequent market for literature by their peerless liberality—should this very people be taxed again, in the interest of a few authors and publishers, who, as long as the literary market in the United States was still in its infancy, did nothing toward its development?

Europe finds in the United States a good market for its manufactures, and would fain work this mine of wealth in a literary sense also; would make us dependent on Europe (in the same manner that the literary interest of all England centres in London, or that of France in Paris), after a market for literature has been created here, through the operation of the principles on which our government was founded, and which distinguish it from all others. But the interests of modern times centre in the Western Hemisphere, and however much Europe may try to stay the onward march and progress of the world, Galileo's famous "and yet she moves" remains true for all ages.

If we now inquire, what would be the result of the passage of an International Copyright Law in the United States, we arrive at the following conclusions:

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First.—All the publishers of reprints in the United States, the printers, paper manufacturers, type and stereotype founders, bookbinders, and many thousands of workmen employed in the production of reprinted works, would lose their occupations and their daily bread.

Second.—The price of works of European origin, reprinted here, would, in the absence of all competition, rise so enormously as to deprive nine tenths of those who now purchase them, of the ability to do so. Instead of a person of moderate means becoming the owner of his favorite books, circulating libraries, as they exist in many parts of Europe, would spring up, which would prove a serious check to the spread of literature and knowledge. If the public should finally become accustomed to that manner of supplying its literary wants, the publishing trade in original American works would undoubtedly also suffer greatly.

Third.—The people of the United States would be most unjustly taxed, in favor of a few authors and publishers.

Fourth.—By reason of the people having less ready access to European literature, the progress in intellectual culture would be impeded.

Last, but not least, the United States, upon which the world now looks as the protector of universal free

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institutions, would, by the passage of an International Copyright Law, set an example which could not but operate unfavorably upon other countries now in process of development, such as South America, Australia, Asia, and Africa, and would retard civilization everywhere.

The custom which now obtains with American publishers, of publishing new European works from advance sheets, for which they pay the author a remuneration, has heretofore proved sufficient for the purposes for which the passage of an International Copyright Law is claimed, and has, at the same time, established *no* monopoly; has *not* unduly taxed the people of the United States, and, while it has erected *no* barrier to intellectual progress, it has been remunerative to both publishers and authors. Why should not, then, this solution of the question of International Copyright, for the future as in the past, answer all ends, and satisfy all reasonable claims which authors and publishers have on the public?

I believe the American people have a right to hope that the representative wisdom of the nation, in Congress assembled, will refuse to pass an International Copyright Law.

NEW YORK, *March*, 1868.

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International Copyright.

MEETING

OF

AUTHORS AND PUBLISHERS,

AT THE

ROOMS OF THE NEW YORK HISTORICAL SOCIETY,

APRIL 9, 1868

AND

ORGANIZATION OF THE

International Copyright Association.

NEW YORK:
INTERNATIONAL COPYRIGHT ASSOCIATION.
661 BROADWAY.
1868.

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1866, Sept. 9.
Gift of
Hon. John G. Palfrey.
(H. C. 1815.)

THE TROW & SMITH
BOOK MANUFACTURING CO.,
46, 48, 50 Greene St., N. Y.

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PREFACE.

THE members of the Committee, at whose call the meeting, of which the following pages are a record, was convened, were impressed with the unusual significance of what was spoken and read on the occasion. It is not probable that so valuable a presentation of the grounds upon which an International Copyright Law is claimed to be the right of authors and publishers everywhere, will ever again be made. They have accordingly requested the Secretary, Mr. Stedman, to prepare his Report of proceedings, in this form, for publication by the International Copyright Association. It is earnestly hoped that the facts and arguments here printed will obtain the attention, not only of journalists and speakers who make public opinion, but of the national representatives at Washington, by whose act alone can the United States be set right upon the question before the world.

GEORGE P. PUTNAM,
S. IRENÆUS PRIME,
HENRY IVISON,
JAMES PARTON,
EGBERT HAZARD.
} Committee.

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INTERNATIONAL COPYRIGHT.

RECORD OF THE MEETING.

A MEETING of authors, artists, publishers, and others wishing to consider the question of International Copyright, was held on the evening of the 9th of April, 1868, in the Hall of the Historical Society, corner of Eleventh street and Second Avenue, New York.

The assemblage was brought together by issue of the following circular:

JUSTICE TO AUTHORS AND ARTISTS.

NEW YORK, 661 Broadway,
March 12, 1868.

It is proposed to hold a second meeting in the city of New York, to consider further the subject of International Copyright, and to concert measures for securing the early establishment of an International Copyright system among all the civilized nations of the earth. This meeting will be held in the Hall of the New York Historical Society, at the corner of Second Avenue and Eleventh street, on Thursday evening, April the 9th, at eight o'clock. You are earnestly invited to attend.

In case you cannot be present, your views on the subject, for or against, and any suggestions you may be pleased to offer, will be welcomed, and duly considered. You are further invited to sign the memorial annexed,* and to procure signatures to it, and return the same to GEORGE P. PUTNAM, at the address named above, before the first of April.

GEO. P. PUTNAM, *Chairman*,
S. IRENÆUS PRIME,
HENRY IVISON,
JAMES PARTON, *Secretary*.
EGBERT HAZARD.

Committee appointed at the meeting of February, 1868.

* See Appendix (IV.)

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Mr. GEORGE P. PUTNAM called the meeting to order, and nominated as Chairman WILLIAM CULLEN BRYANT, who was elected and warmly greeted.

VICE-PRESIDENTS.

Prof. FRANCIS LIEBER, LL. D.,	D. HUNTINGTON, *Pres't Nat. Acad. of Design*,
Hon. HORACE GREELEY,	JOHN H. GRISCOM, M. D.,
Judge C. P. DALY,	Rev. J. A. SPENCER, D. D.,
Rev. HENRY WARD BEECHER,	CHARLES SCRIBNER,
HORACE WEBSTER, LL. D.,	HENRY IVISON.
GEO. P. PUTNAM,	

SECRETARIES.

EDMUND C. STEDMAN, A. D. F. RANDOLPH.

Many of these gentlemen were upon the platform. Mr. Bryant having taken the chair,

Mr. PUTNAM reported that his Committee had sent the foregoing Circular to a large number of authors and publishers, and had received many answers to the same, and numerous signatures of persons distinguished in literature or art, and of prominent publishers, to the Memorial drawn up for presentation to Congress in behalf of an International Copyright law. He repeated the names of many of the writers,* and then proceeded to read, in part or in full, the following letters of special interest to those present:

From GEORGE WILLIAM CURTIS.

NORTH SHORE, Staten Island,
April 7, 1868.

My Dear Sir,—It is impossible for me to come to the meeting on Thursday evening, but it is always possible for me to say that I believe every man to be the natural owner of the fruit of his labor, and that he cannot be justly deprived of it by partial laws.

If, in accordance with the universal instincts of intelligent Christendom, an author has a right of property in his own country, he has it everywhere. It may not be as valuable to him elsewhere as it is at home, but it is his and his only: and so long as it is recognized to be his, his right in it cannot be destroyed by the customs or the connivance of the laws of another country, without the most palpable and flagrant injustice.

Even if it be proved necessary for the common welfare that the laws

* See Appendix (IV).

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of his country should limit his right in his property to a certain time, still, during that time, as it is absolutely his, it cannot be appropriated by others without the greatest wrong to him.

Now, since the aim of the best men in all civilized countries is that justice may be universally done,—and since in literary property what is just here is just everywhere, and since, as the old sailor said, God has somehow so fixed the world that a man can afford to do about right,—I sincerely hope that this country will lose no time in doing it.

For my part I do not ask for favors, I demand rights. If the Government of the United States protects, in England as well as at home, my rights of property in the potatoes I raise, it cannot honorably refuse to protect my equal property in the book I write. And if it chooses to offer the literary profession as a selfish sacrifice to a mistaken theory of the public welfare, it exposes itself to the fair indignation and contempt of the very class of its citizens that can forever perpetuate the memory of its injustice.

I believe that if the authors of the United States and of England, who write the same language and cherish the same literary traditions, would unite in a continuous appeal to the public opinion of the two countries, it would not be very long before Congress and Parliament would agree that honesty is the best policy;—and some diplomatic Bancroft or Motley, or D'Israeli or Gladstone, would be as proud of negotiating a treaty to secure international literary rights, as to settle the limits of allegiance and the conditions of expatriation.

Yours very truly, GEORGE WILLIAM CURTIS.

FROM DR. S. D. GROSS, Philadelphia.

JEFFERSON MEDICAL COLLEGE,
Philadelphia, April 7th, 1868.

GENTLEMEN:

I deeply regret that it will not be in my power to be with you on Thursday evening, to participate in the exercises of the proposed meeting in favor of the establishment of an International Copyright system. Such a system has long been a desideratum with American authors, notwithstanding what Mr. Carey and others may have said to the contrary; and I sincerely hope that the appeal you are about to make to Congress may be crowned with success. Your efforts have my most cordial sympathy and good wishes. I trust that my own profession may be justly represented at your meeting. It is high time that American medical authorship should assert its rights, and endeavor to establish its claims as a legitimate branch of the general literature of the country. The works

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of Beck, Dunglison, Wood, Meigs, Hodge, Stille, Drake, Bedford, Hiret and Hamilton, not to mention others, some of them equally great, have created a world-wide reputation for their authors, and added lustre to the American nation.

Our medical authors have had to contend with the same difficulties as our literary authors in general. If their works have succeeded it has been because of their intrinsic merits, despite the competition of foreign works, republished in the United States, and often sold for less than one-third of the price of the native productions; without, in most cases, any substantial benefit to their authors. No one can doubt that this has been one of the great causes which have retarded the progress of American literature; and I have sometimes, in view of this important subject, regretted that we speak the same language as the people of Great Britain. With a language of our own we should have made much greater strides as a literary nation, although, it must be confessed, the masses might not have been as much enlightened as under the existing dispensation.

I have the honor to be, Gentlemen, very respectfully, your friend and obedient servant,

S. D. Gross.

Prof. Agassiz, Cambridge,

Has "the securing of an International Copyright very much at heart, not only upon the common ground of honesty, but as one great step in the progress of civilization, believing that a true interchange of intellectual property between the cultivated nations of the earth, will tend to raise all their mutual relations."

A. S. Roe, East Windsor Hill, Conn.

"I have long felt there was an unwarrantable use made of the property of authors on both sides of the Atlantic. Surely, if there is any species of property that a man can claim as his own—it is that which his own mind has produced. And I think no man who has ever written a work that has sustained itself for years in the hearts of his fellow men, but has accomplished the feat by an amount of manual labor and concentrated thought, which could the world have witnessed, it would frankly acknowledge his claim to ownership. And I do not think such a man on either side the big water will be found arrayed with those who wish to deprive the laborer of his due.

Of the ten works I have written, seven of them I know have been published in England. My first book, 'James Mountjoy, or I've been

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Thinking,' was taken as the leading book of the Run and Read Library, and the three others as they came out.

Mr. J. C. Derby received from me from rival publishing firms for three of my works, $100 each for two, and $75 for one, which counts up in all $275, for works which have had a circulation there of over 100,000 volumes—so that even five cents a volume would have been of some consequence.

Authors, I believe, feel great delicacy in naming a value for their work, and shrink from trying to drive a bargain, and perhaps that may be the reason why in past ages they received such poor compensation. We have nothing to complain of in that respect in our day, except the lawlessness practised by individuals in England and our own country. I have lately heard that two different houses in London have advertised works under my name with the most ridiculous titles, and a gentleman in Philadelphia wrote to me to ascertain whether I was the author of those works—as he wished to have a correct list of what I *had* written.

Now this is hardly fair play, first to use a man's works without pay, and then to use his name to cover that which the author's mind and heart would scorn to own."

JOHN G. PALFREY, Cambridge, Mass.

"Something more than a quarter of a century ago, I set down my poor thoughts on the subject of an International Copyright law in the North American Review, of which I was editor (Vol. LV., pp. 246 *et seq.*). In that paper I think that there are some suggestions that deserve attention, to the point that, apart from the question of honesty, the publishers, and the trades dependent upon them, misunderstand their own interest when they oppose a copyright law."

J. T. HEADLEY, Newburgh, N. Y.

"I have not yet seen any argument against it (International Copyright) that did not apply to the propriety of abolishing copyright altogether. But however persons may differ on this point, it seems strange to me that Congress does not perceive that all legislation which discriminates against a certain class is unjust. Now it places the inventor and author on the same footing at home, and by its laws protects both in the products of their mental labor; yet, when it comes to legislate respecting them internationally, it protects the former and leaves the latter to be despoiled of his property."

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WILLIAM GOODELL.

"If copyright privileges stimulate, encourage, and protect investigation, study and authorship *at all*, they do so in proportion to the extent to which they are rendered available and remunerative. If their benefits should not be limited by the boundary lines of the different States of the American Union, they should not be limited by the boundaries of the different nations of the civilized world. * * * The people of all nations have a common interest."

DR. DIO LEWIS, Lexington, Mass.

"Certainly no species of property should be regarded as so personal and so sacred as that which is obtained, not by some lucky speculation or other accident, but by long, patient, and exhaustive personal labor."

DR. J. G. HOLLAND, Springfield, Mass. ("Timothy Titcomb").

"I can conceive of no argument against International Copyright that does not ignore the right of an author to the work of his own brain and hand. * * * If it is desirable that America should have a literature, then it is desirable that American authorship should be protected. * * * Perhaps not one American writer in fifty has received so large a sum for copyright during the last twelve years as I have. No matter whether my books are good or bad; they have *sold*, and that is the only point essential to my argument. Now I assure you that I could never have written these books of mine, had I not had other sources of income; for the proceeds to me have never paid my family expenses. * * * In the general interchange and diffusion of knowledge, and since copyright privileges have hitherto promoted such interchange and diffusion in the most intelligent of the nations, it is reasonable to suppose that their further extension would be proportionately beneficial to the whole world. The tendencies of the age are strongly in the direction of universal interchange of human thought.

* * * An author may be conscious of possessing important truths, facts, and principles, that would be received with more attention and candor in another hemisphere than his own. He may hope, by influencing the leading minds, or the popular mind abroad, to reach ultimately, and more effectually, the public mind at home."

JAMES T. FIELDS, Publisher, Boston.

"We have always been heartily in favor of the passage of an equitable International Copyright Law, which shall protect the interests and

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secure the rights of authors on both sides of the Atlantic; and we shall always do whatever may lie in our power to promote such a result."

JAMES W. HARPER, Publisher, New York.

FRANKLIN SQUARE, April 7th, 1868.

Dear Sir,—Mr. James Harper directs me to acknowledge the receipt of your favor of yesterday, and to say that his engagements will not allow him to avail himself of your polite invitation to attend the Copyright meeting and serve as a Vice President. He desires me to thank you for your courtesy.

Very respectfully, your obedient servant,

J. W. HARPER.

WM. GILMORE SIMMS, Charleston, S. C.

"The list of names on your Memorial could have been increased by every professional name in our State. * * * My own opinions were elaborately expressed long ago, in several successive papers in the Southern Literary Messenger. These papers were held at the time by numerous men of letters—Mr. Bryant among them, to be exhaustive of the subject. I have seen no writing on the other side that was not sophistical, disingenuous, and in many particulars unqualifiedly false. I regret very much that I cannot be at your meeting."

REV. WILLIAM R. WILLIAMS, D.D.

27 GROVE STREET, NEW YORK,
Thursday, April 9, 1868.

Gentlemen,—Unable, as I shall be, to attend the meeting called for this evening, I forward my signature to the Petition for a Law of International Copyright.

It would seem a plain dictate of equity, that, if the laborer be worthy of his hire, and of the bread won by the sweat of his brow, the writer, the designer, and the inventor must be quite as worthy of the bread which they have won by the more bitter sweat of the brain. National reciprocity implies the international recognition of mutual benefits, as bringing after them mutual obligations and rights. The great Apostle of the Gentiles preached a religion of freest grace and benignity. But he held it not inconsistent with this freeness, that those who received the unbought boon of "spiritual things," should hold themselves bound to impart to their teachers, as wages and rent, some share of their own temporal things (1 Corinth. ix. 11). Does not the Apostolate of Let-

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ters, Science, and Art, labor under the like law? It gives generously; but expects from its beneficiaries some honest and grateful acknowledgment of that generosity. Nor would it seem to be mercenary, in asserting this rightful claim, throughout those civilized communities which are reached by this its beneficent influence. Far as it blesses the race, so far it also binds them to the graceful and grateful recognition of the advantages received. "Nobleness binds" giver and taker.

I remain, Gentlemen, yours very respectfully,

WILLIAM R. WILLIAMS.

HENRY C. CAREY, Philadelphia.

Gentlemen,—Accept my thanks for the "Right of Copyright" just now received. Can you conveniently let me have three or four other copies, that I may, to that extent, aid in its circulation? There are as many of my friends, who might not otherwise meet with it, that I would desire to place in a position to see what is the most that can be said on the opposite side. Perhaps, too, I might wish to enable them to judge how fairly my ideas are here presented.—As regards the decision at which our people must arrive, I have no fears whatever, provided only that they be enabled to see both sides of the question.

Can you give me the name and publisher's name of the pamphlet just now published by one of my "disciples," and thereby oblige

Yours, &c.,

Philadelphia, April 2, 1868. HENRY C. CAREY.

WILLIAM M. BLACKBURN.

TRENTON, N. J., April 6, 1868.

Dear Sir,—To me it seems clear that an author should be able to have a copyright in any country where his works are published. There is a way to obtain one, I believe, but there must be duplicate Mss., and a sort of underhand process—the one expensive, the other a *trick*. There is something wrong in the law, when justice can be gained only by a sort of strategy.

The objection to an International Copyright which I have heard most frequently urged, is that it will make costly literature, and that authors are the only ones who are to be benefited. Authors might ask if they are not interested in a cheap literature quite as much as any body else? But are they to bear the whole expense of cheapening the popular literature? *Probably* flour would be at a more moderate price if the farmers would give away all the wheat that is exported from their own neighborhoods.

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Not the *justice*, but the *policy* of the movement will (as it seems to me) be made the hinge on which legislation will turn—that is, the *policy* in favor of the publishers who oppose the measure, and not the *policy* in behalf of the authors. The claim will, doubtless, be that the present law favors the people—an assumption that may be questioned.

WM. M. BLACKBURN.

After the reading of the foregoing letters,

The CHAIRMAN said, that before listening to the report of the Committee appointed at the meeting of January 30th, he would like to make a few remarks, and spoke as follows:

SPEECH OF WILLIAM CULLEN BRYANT.

"We have come together, my friends, to consult on the means of giving to our laws enacted for the security of literary property a character more worthy than the one they now bear of a great, just, and highly-civilized nation. We protect the goods of a traveller landing on our coast. We allow no man to strip him of his garments, to carry off his luggage, or take possession of the wares he has brought for sale, merely because he is a stranger. If we did that, we should be deservedly regarded as having shamefully lapsed into barbarism. Yet by a singular inconsistency, while we have regulations which secure to our own citizens on our own soil their literary property, we have, nevertheless, so framed our laws that the foreigner is robbed of that property here and our own citizens plundered abroad.

"I know that this complaint is met by some with a direct denial of the policy of protecting literary property. Let us bring this denial to a simple test. Let us suppose the copyright laws to be wholly repealed. Here is a man who has given the best years of his life to laborious historical research. He has produced a work destined to live, accurate and copious in its facts, admirable in arrangement, interesting in style. Or, perhaps, here is a man of science, who with equal toil has composed a work of great and decided utility. This author puts his work to press, and naturally expects the reward of his useful labors. In a day or two there comes out a reprint of his book by another publisher, which monopolizes the market, and prevents the sale of his own edition. Another man is enriched by his labors. The case needs only to be stated, and the statement is an argument of itself. Does not every body see that here is a rank injustice committed—a cruel wrong? Can any thing be more mean, more base, more abhorrent to our notions of right? Does not every

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noble and generous instinct in our bosoms tell us that the only corrective of this wrong is to decree by law that literary property shall be, like other property, inviolable?

"But it is again said that literature consists of ideas, and ideas are the common possession of all mankind, in which there can be no exclusive property. I readily grant that ideas are, in themselves, common stock, and yet I maintain the right of the author to his works. It is the form in which the ideas are put that is the author's property. Nor is this the only example of the kind. What is more the common property of all men than the waters of the ocean? They belong to no one more than to another. Yet if I take a portion of them, and by my skill and diligence convert it into salt, the product is mine as incontestably as the watch in my pocket. In its original form it belonged to nobody; in the form which I have given it, it belongs to me alone; and he who appropriates it to himself without my permission, is a thief.

"Thirty-six years since, I was for the first time in one of the forests of the Western States, in Illinois, then almost a wilderness. By my side stood a squatter, who directed my attention to a pile of straight trunks of trees, which had been cut down and the tops and branches lopped away. 'These trees,' he said, 'have been felled by somebody for his own use. This forest is the public domain; nobody lays claim to it, and these trees belong to nobody in particular. But as soon as they are cut down, we recognize them as the property of him who took the trouble to fell them; and if any person but he should take them, he would be disgraced and regarded as having stolen them.' I listened, and honored the squatters of Illinois for thus respecting the sacredness of property.

"Let me apply these illustrations. The author of a book comes to the great ocean of human thought which belongs to all; he dips up a portion of the brine, evaporates it, causes it to crystallize, purifies the crystals from unpleasant ingredients, and presents it in a new form, a form by which it is made his own. He enters the great forest of ideas, which is common ground, hews down trees, shapes them into articles of furniture, or builds a house with them, and he who takes from him that furniture is a thief, and he who breaks into that house is a burglar. The author clothes ideas in words of his own selection, forms the words into sentences of his own construction, gives the ideas his own arrangement, combines and illustrates them in his own manner, and in this state they are his own, made so by his labor, skill and invention, and they belong as properly to him as the product of salt-works on the edge of the sea belongs to the manufacturer.

"What is a promissory note but an idea—an idea put into a certain form of expression? What is a bill of exchange, what is a bank note, but

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a form of words authenticated by a name, and the name is the mere sign of an idea? Yet there is nothing to which the universal reverence for property more strongly attaches itself, and no kind of property which the law secures to its rightful owner with more vigilance and with sterner sanctions. He who makes too free with ideas in this shape is delivered over to ignominious punishment; formerly, under a ruder administration of justice, his ears were cropped.

"The right of literary property being thus clearly established, and shown to rest on the same principles as all other property, it remains that we give it such equitable scope and application as shall vindicate our laws from the imputation of unjust partiality and a short-sighted devotion to self-interest. We must so recognize the rights of those by whom this species of property is produced that neither shall the stranger be robbed here because he is a stranger, nor the American robbed in foreign lands for the same reason. I hope to see the time when it will be held as disgraceful to counterfeit a man's book as to counterfeit his bill of exchange. You will hear this subject more ably discussed this evening than I can pretend to discuss it. It will be shown clearly that in this matter the equitable and the politic course are the same, and that in this instance, as in every other exercise of even-handed justice, the respect we pay to the rights of others will bring with it its own reward."

Mr. James Parton, of the Committee referred to by the Chairman, next made the following:

REPORT.

At a meeting held January 30, 1868, at the Fifth Avenue Hotel, to consider the question of International Copyright, a committe of five was appointed to suggest a plan of operations for the friends of the measure, and, especially, to ascertain whether an international copyright could be secured by treaty, or required an act of Congress. This committee now beg leave respectfully to report.

They directed their attention, first, to procuring the requisite preliminary information from Washington. Upon appplying to the Hon. Charles Sumner, the committee received the following reply:

Senate Chamber, 17th February, 1868.

My dear Sir,

Pardon my delay.

There are two ways of dealing with the question of International Copyright; one is by the treaty power, and the other is by reciprocal legislation.

I have always thought that the former was the easiest; but at the present moment the House of Representatives is not disposed to concede much to the treaty power.

Mr. Everett, while Secretary of State, negotiated a treaty on this

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subject with Great Britain, which was submitted to the Senate, reported by the Committee on Foreign Relations, considered in the Senate, and finally left on the table, without any definitive vote.

I shall send you a copy of this treaty, which, I believe, has never seen the light.

I have always been in favor of an International Copyright, as justice to authors and a new stage in the unity of nations. Perhaps the condition of public affairs at this time, the pre-occupation of the public mind, the imminence of the Presidential election, and also the alienation from England, may present temporary obstacles. But I am sanguine that at last the victory will be won. If authors should have a copyright, they should have it everywhere within the limits of civilization.

Accept my best wishes, and believe me, dear sir,

Faithfully yours, CHARLES SUMNER.

JAMES PARTON, Esq., Secretary of the Committee.

A copy of the treaty, negotiated by Mr. Everett and Mr. John F. Crampton, accompanied Mr. Sumner's letter. This treaty provided, that Authors, Artists, Designers, Engravers and Composers of Music, who were entitled to copyright in one country, should be entitled to it in the other, on the same terms and for the same length of time; so that the piracy of an American work by an English publisher, or that of an English work by an American publisher, entitled the author to the same redress as though the piracy had been perpetrated in his own country.

This treaty was read in the Senate for the first time, February 24th, 1853. It was referred to the Committee on Foreign Relations, who reported it without amendment, March 15, 1853. On the 5th of April following, it was read a second time, considered in Committee of the Whole, and ordered to lie on the table, from which it was never taken.

As the treaty provided that it should be ratified, if at all, within twelve months from the date of signature, which was February 7th, 1853, the document has no longer any vitality, except as it does honor to the memory of the distinguished men whose names are appended to it.

During the delay which occurred in procuring this information, the Committee were gratified to learn that an International Copyright bill had been introduced into the House of Representatives by the Hon. John D. Baldwin, of Massachusetts, Chairman of the Library Committee. They were the more gratified, because they desire the measure to have the sanction of both houses of Congress, as well as the approval of the public. An act of justice so advanced and refined as this, and involving benefits so numerous and far-reaching, will be an honor to every nation concerned in it. It is desirable, therefore, that it should be, on the part of the United States, a national act, in which every branch of the Government and the whole people shall concur.

The bill presented by Mr. Baldwin is similar in design to the treaty of Mr. Everett, but contains additional provisions. The treaty of 1853 contemplated only an arrangement between the United States and Great Britain; but the pending bill aims to extend the system to all countries willing to participate in its advantages.

Mr. Baldwin's bill, which was read twice in the House of Repre-

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sentatives, February 21st, 1868, and recommitted, may now be considered before the country for discussion and amendment. The members of the Library Committee, we are assured, desire to make the bill as satisfactory to parties immediately concerned as justice will permit.

They wish to accomplish the object with as little disturbance to the established system, and with as little inconvenience to the book-trade and public, as possible. This meeting, therefore, has been convened for the purpose of further considering the subject, and giving both to the friends and opponents of the measure an opportunity to express their sentiments upon it.

The Committee propose for the consideration of the meeting the following resolutions:

Resolved, That Authors, Artists, Engravers, Designers, and Composers of Music should have legal right to permit, forbid, and control, absolutely and everywhere on earth, the multiplication and sale of copies of their works; so that no copy of a book, essay, picture, statue, engraving, musical work, or design can rightfully exist anywhere, until the consent of the author thereto has been first manifested or obtained.

Resolved, That the government of a country is bound to protect the property and rights of its citizens, wherever in the world those rights may be infringed, or their property plundered.

Resolved, That since the leading nations of Europe have manifested in various ways, and at various times, their willingness to enter into an international arrangement for the reciprocal protection of the claims of authors and artists, we are, as a people, in fault for not having long ago responded to their desire, and joined them in such an arrangement.

Resolved, That a just system of International Copyright, by rendering the business of publishing books and works of art more stable, safe, and legitimate, will make it also more extensive and profitable, to the advantage of all who are concerned in the manufacture or sale of such products.

Resolved, That while the present system tends to make bad books cheap, and good books dear, an International Copyright system will have the opposite tendency of making good books cheap and bad ones dear; because it will afford to good books the market of the world, while inferior works, besides being confined to localities, will have to deal with a public always advancing in taste and knowledge.

Resolved, That the bill now pending in the House of Representatives, is substantially wise and right, though probably susceptible of additions and amendments; and that the thanks of the friends of the measure are due to the Hon. John D. Baldwin, and his colleagues upon the Committee, for their labors hitherto bestowed upon this important subject.

Resolved, That an association be formed for the purpose of securing the rights of Authors and Publishers among the civilized nations of the earth, and persons desirous of coöperating are requested to enroll their names.

GEORGE P. PUTNAM,
S. IRENÆUS PRIME,
HENRY IVISON,
JAMES PARTON,
EGBERT HASARD.

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The Rev. S. Irenæus Prime moved the adoption of the foregoing resolutions, and said:

SPEECH OF S. IRENÆUS PRIME.

Mr. Chairman: In rising to move the adoption of the resolutions just read, I wish to say that this is a movement in behalf of *American* authors, and *American* publishers who wish to do justice to all authors, native and foreign alike. It is not a cry for charity; it is a demand for *justice*. It is not asking for privileges; it is the assertion of rights. And as all rights have corresponding duties, it is the duty of government to secure authors' rights.

In the year 1784, the year after our National Independence was recognized by treaty with Great Britain, an English publisher seized upon Morse's Geography, an American copyright work of great literary and pecuniary value, and published it without recognition of the rights of the author, and without making him the least compensation. That system of piracy thus begun has been relentlessly pursued by the British, with a disregard of our rights which has justified the remonstrances of authors and publishers, and which they have bitterly and often complained of, these many years. It is true that Jonathan has now and then made reprisals, and it is quite likely in this as in many other things he has beaten John Bull at his own game. But they have in the last eighty years taken 1,500 of our copyright books and reprinted them without so much as saying "by your leave, sir." Is it strange that John Bull raises a great cry of "Stop thief?" Is it strange that he says if we will stop, he will, and we will have a mutual understanding, an International Copyright law that shall secure the rights of an author or publisher in foreign countries, as well as the rights of a merchant or planter?

If an author is the owner of the book he has made, or the composer has the right of property in the music his soul has sung and his hand has scored, or if the artist has such ownership in the landscape he has painted that no other man has a right to make a copy of it without the author's consent, then the copyright question at home and abroad, everywhere, is settled. It is robbery to invade that right. Now get down to the basis of the rights of property, and the author or inventor's title is as perfect and indefeasible as that of any other man to the fruit and reward of his labor. Webster says, "No right or title to a thing can be so perfect as that which is created by man's own labor and invention. The exclusive right of a man to his literary productions, and to the use of them for his own profit, is entire and perfect as the faculties employed and labor bestowed are entirely and perfectly his own."

But this self-evident proposition, this fact so simply true and palpa-

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bly just that a child can apprehend it, is actually and boldly denied in the interest of confederate wrong. A pamphlet has been recently published denying the right of property to an author, taking the ground that a copyright law is merely a *privilege* granted by society to an author, and to be resumed at its sovereign pleasure. "The man who makes a book" says Mr. Carey, "uses the common property of mankind, and all he furnishes is the workmanship. Society permits him to use its property, but it is on condition that after a certain time, the whole shall become part of the common stock."

And again he says that an author is in the condition of a man who goes into another man's garden and picks flowers; he may smell the bouquet "for an hour or two," but it belongs to the owner of the garden!

And Mr. Carey says authors' *right* in the books they publish is *precisely similar* to, *and no greater than*, that of the man who culls the flowers and arranges the bouquets."

That is to say, authors have no *rights* at all. We all remember with what amazed indignation the civilized world received the dogma that black men have no rights which white men are bound to respect; but Mr. Carey degrades the race of authors still lower, as I will now demonstrate. He says:

"The day has passed in this country, for the recognition of either perpetuity or universality of literary *rights*. The wealthy Carolinian, anxious that books might be high in price, and knowing well that monopoly privileges were opposed to freedom, gladly co-operated with Eastern authors and publishers, anti-slavery as they professed to be. The enfranchised black on the contrary, desires that books may be cheap, and to that end he and his representatives will be found in all the future co-operating with the people of the Centre and the West in maintaining the doctrine that literary *privileges* exist in virtue of grants from the people who own the materials out of which books are made; that those privileges have been perhaps already too far extended; that there exists not even a shadow of reason for any further extension; and that to grant what now is asked would be a positive wrong to the many millions of consumers, as well as an obstacle to be now placed in the road towards civilization."

That is, authors have no rights which *white* or *black* men are bound to respect. The doctrine is flagitious and immoral in the extreme. It is a disgrace to the civilization and christianity even of this swindling age. It promises to enact iniquity by law. The author of the doctrine is upright and honest, but his doctrine is neither; sir, that doctrine would be laughed at by every intelligent and honest negro in the United States.

When such doctrines are thrust forward to shield old abuses, and perpetuate hereditary wrongs, it is time that the enlightened moral sense of

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the country rose up, armed and strong to overthrow it. It is the old battle of right against might which is always being fought, and which you yourself, Mr. President, have told us, in immortal words, will by-and-by be won for truth. Millions of money are now ready to be spent in defeating this claim of authors to have justice at the hands of their country. But on the other side is intelligence, virtue, and righteousness, which is peace and joy in the whole earth.

The remarks of Mr. Bryant and Dr. Prime were heard with the closest interest and frequent applause. FRANCIS LIEBER, LL. D., was the next speaker, and made the following comprehensive presentation of the historical phases of the question before the meeting:

SPEECH OF FRANCIS LIEBER.

MR. CHAIRMAN: I beg to express my entire concurrence with the resolutions now before this meeting. My views and my convictions on a law of International Copyright agree with those expressed in the letters of the distinguished persons, which have been read to us.

It is a fact worthy of notice that the objections now made to International Copyright, as you have seen from the extracts read by the Rev. Gentleman who preceded me, are the self-same objections which have been made each time the subject has been before Congress, and when International Copyright was first discussed iu Europe. It was so when Mr. Everett, as Secretary of State, endeavored to settle this question by treaty; it was so when, in 1839 or 1840, I forget which, Senators Clay and William C. Preston, and other prominent men in Congress and out of it, among whom was Washington Irving, endeavored to obtain the same end by an Act of Congress, and when, let me add, several, if I recollect, most of our conspicuous publishing houses were in favor of it, expressing their opinions then entertained in sundry petitions. It was so when the subject came to be discussed for the first time in history. At least it was the first time so far as I am acquainted with the history of this move in the progress of civilization.

When unhappy Germany was hacked into petty sovereignties, an author or a publisher to whom an author had sold his manuscript, had to go begging for a copyright from sovereign to sovereign. It was thus that Schiller and Goethe were obliged first to publish their immortal works—Austria rarely, if ever, granting a copyright to a non-Austrian. After the restoration of Germany, such as it was, in 1815, an International Copyright between the German States came loudly to be called for, after the Act of Germanic Union had declared that a German International Copyright should be a fit subject for discussion and possible

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legislation of the confederacy. Prussia took the initiative. Judge Hitzig of the Supreme Court of the kingdom was consulted. He had been thrown out of his judicial career, when, by the issue of the battle of Jena, Prussia was reduced well-nigh to a political nullity. Hitzig, to support himself, became bookseller. After the restoration of Prussia he received an appointment on the supreme bench, and as I have stated he was consulted concerning the new copyright. The Austrian booksellers raised an almost unanimous cry against it. Austria, the least prominent of German States in literary production, had long made a pretty good profit upon pirated editions of German classics, and was unwilling to give up this fine trade. The writers against the proposed International Copyright used then the reasons in favor of bibliopolic buccaneering, which are used now. They may be reduced to two heads. It is maintained that there is no such thing as literary property. What is called so is simply the effect of laws, judiciously or injudiciously enacted; it is an arbitrary creature of the law; and secondly, expediency leads us to prevent an International Copyright. Let us have books as cheap as possible.

The chief value of the latter reason depends on the first; for if there is such a thing as a right of real property in literary productions, as natural and direct as there is in a bushel of wheat for the farmer, if he is the producer, the argument founded on expediency, even if this could be made good, would have no more value than a recommendation of obtaining flour cheaper by stealing, than by honestly purchasing it. Right and wrong are not defined or confined by the blue or red colors of political demarcations on the map, any more than that they apply to religion, or mathematics, or music. Nay, allow a teacher of the law of nations to say that it is one of the characteristics of our progressive civilization, that as it advances, it takes more and more from the meaning of the colors of the map, reducing them more and more to a political meaning alone.

Is there such a thing as literary property? The main roots of all property whatsoever are appropriation and production, diffused and accumulated by exchange. Why? Is it, because, as the saying used to be, property is the creature of Government? By no means. Property invariably precedes government, as many other institutions do. It is because every human being is as conscious as of his own identity, that if he appropriates what belongs to no one—for instance, the trunk of a tree—and if he produces a new thing—for instance a canoe out of that tree—this appropriation, or this product, is verily his own; that he can do with it what he likes, and that every one who in turn attempts to appropriate it without the process of exchange, is an intruder, a robber, and the attempt will not only be resisted but resented. The whole right of prop-

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erty, however developed and ramified in a code of laws it may be, rests on this primordial consciousness of mine and thine—on appropriation and production; and I now appeal to the intuitive conviction of every living man to say whether a literary work, say Baker's description of his toilsome journeys in Africa, or a Faust of Goethe, a musical composition, say a requiem by Mozart, is not a *production* in the fullest sense of the word, even more so than a barrel of herrings which have been appropriated in the North Sea, pickled and barrelled by the fisherman; and whether any one has a right to meddle with this property by production, any more than you or I have to meddle with the barrel of herrings.

But, say our opponents, that which you call the literary *work* consists of ideas which were common property, gathered, strung together. They belong to the common civilization, and cannot constitute property. Indeed! why not go further? The alphabet used in every book is common property; the words of which it consists have been published long ago in dictionaries.

We do not claim property in ideas, any more than Beethoven claimed property in the tones he indicated, or the laws of harmony and disharmony which the Creator has indelibly implanted in the human soul; but he justly claimed by natural right the ownership of his symphonies, and, therefore, the exclusive right of multiplying them by signs and on material. He deeply resented their piratical reprint.

An author, or a composer, or an artist is what he is, in a very great measure indeed, in consequence of the civilization of his times or of the ideas which, erroneously and inelegantly, are declared common property; but is the farmer what he is, less by the common civilization in which his existence has fallen? Does the farmer, perchance, *create* his grain, or does he only produce, that is, dispose his combining and shaping agency so that with the help of the natural agents his labor results in, the grain? His share in agricultural production is small, indeed, compared to the share which the author, or composer, or sculptor has in the production of his work. But the question is really more positively and directly answered by asking: Do you, or do you not, feel and know that Paradise Lost was Milton's own, and that in the world of exchange to which, by divine decree, all of us must go for subsistence, he had an exclusive right to dispose of his *work?*

If literary property is merely a thing so called; if there is no natural right of literary property, why does our law and the municipal law of every civilized country acknowledge and protect it in each respective country? There is no exception to it. And if literary property is real property, why not acknowledge and protect it internationally, as all righteous property is?

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To the objection that literary property is of a very recent date, which is said to prove that, like the patent law, it is altogether a legal invention, and originates from no natural right, I would simply reply that literary property was claimed as soon as it obtained importance in the market, that is, immediately after the invention of the art of printing. There is a passage in the works of Dr. Martin Luther,* in which he asks the "Sirs Printers" why they rob one another, and make money of what belongs to another, leaving only loss and dissatisfaction to him who incurred all the expenses in order to get out a book; and it will be remembered how short a time there elasped between the humanizing invention of the art of printing and the great translation of the Bible by one man—Martin Luther. As to International Copyright, it belongs to our century indeed; but the whole law of nations has made its greatest strides only in recent times. Down to this century, the highest statesmanship was believed to consist in the greatest amount of injury that could be done to a neighbor. The barbarous confusion of foreigner and enemy still somewhat adhered to our race. Now it is gladly acknowledged in the commonwealth of nations to which we belong that the great law of good neighborhood, all-important among individuals, is not less so among nations, and the existing positive law of nations shows us that treaties are in force between Germany, France, England, Italy, internationally protecting literary and æsthetical copyright. Why should we lag behind? We, whose boast it is to honor and protect human rights with eager jealousy, should we, of all leading nations, disregard the right of property, because the owner is a foreigner? In these very days the German parliament has passed an instruction to the imperial chancellor, Count Bismarck, to exert himself that treaties be concluded between Germany and the different foreign powers which shall protect all private property, even belonging to belligerents at sea, against seizure. There has already once existed a treaty of a similar effect between the United States and Prussia. It were well if Germany and our country would renew this treaty. It would be a stride indeed in the career of civilization; but would it not be well at once to do the plainer justice of passing the International Copyright bill now before Congress? I call upon every one to do what may lie in his power toward the promotion of this object.

We are here necessarily restricted in the time during which we may address this audience, and I see that I must leave to others to descant on the expediency of an international copyright. I ask you only to let

* This passage is given in a pamphlet on International Copyright by the speaker, published in 1840, by Wiley & Putnam, New York.

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me add this unqualified declaration, that so far as my inquiry and observation have gone—and it is ample, and dates far back—I have found that almost without an exception all men of fairness and judgment, free from real or supposed business interests, unhesitatingly pronounce themselves in favor of not limiting the validity of the eighth commandment by Colton's colors, and that my conviction is that in this sphere, as in every other, it will be found that honesty is the best policy. I am far from presenting to you foreign authors as the poor benefactors who must be protected. The enervating trash which we receive is boundless, but on the one hand, is the protection of property ever measured by the degree of direct good it does? and, on the other hand, it is ourselves, too, that insist on International Copyright for our own benefit or as a thing due to us.

Let us by all means support our representatives who are ready to do all they can towards the passage of an American Copyright Act.

The Rev. Samuel Osgood, D. D. followed Prof. Lieber, and discussed "The Unity of Nations and its Bearing upon Letters," in language of which we give a general outline.

SPEECH OF SAMUEL OSGOOD.

Dr. Osgood said that he consented to speak in order to comply with the request of friends, rather than from any ability or knowledge on his part that entitled him to treat so important a subject as the international rights of authors. He was glad, however, in the branch of the topic assigned to him, and could say a few words heartily upon the unity of nations in its relation to authors.

There can be no doubt of the fact, that nations are coming together as never before, and that what Goldwin Smith calls the commonwealth of mankind is evolving itself throughout the civilized world, and even invading pagan lands with its mighty missionary power of industry, science and art. It already had two universal languages,—those of music, and mathematics,—and the musical scale and the multiplication table were known and understood throughout the globe. Literature is rising into the same universality and carrying its name and its calculations into all lands, and with the help of the photographer and the engineer, it is expounding the secret of the Egyptian hieroglyphics, and speaking a new pictorial tongue to the eyes of all mankind.

The important question rises, what bearing is this universality of communication to have upon the individual rights of authors? Is the whole of the reading public to be sacrificed to the part of authors, or is

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the part to be sacrificed to the whole, or are the whole and the part to be bound together by mutual obligation and service? The laborer is worthy of his hire, in all vineyards, and good wages should bring good work and the welfare of laborer and employer, producer and consumer. It is utter folly to say that literary work shall not be paid for by all who have its productions, and it is equal folly to maintain that the literary workman shall work for himself and shut the great world out from a fair share of the fruits of his labors. The author should be paid for his personal labor, time, capital and talent, yet he must expect to have his ideas pass into the common stock of human thought, and no more think to keep great truths to himself as private property because he has ably stated them, than Newton should claim the law of gravitation as his private property, because he first stated it in its scientific form, and identified it with his own name. Give the author the right to the sale of his own works wherever published, and the great human mind will soon appropriate all that is of universal worth, and make it portion of the common stock of knowledge. So the author gets his due, and humanity keeps its birthright of reason and liberty.

The laws of trade effectually confirm this sound principle of philosophy, and secure the rights of the author and also the liberty of the public. All excessive charges and arbitrary restrictions in behalf of copyright are foolish as well as wrong, and it is proved that a moderate percentage on liberal terms is better for all parties than any extortion on the part of publisher or author. Large sales with moderate profits is the rule of modern business, and ten or fifteen per cent. on copyright brings an author more money as well as fame than fifty or sixty per cent. Perhaps it would be a gain to a popular author like Dickens to charge only a very small percentage on the sale of his works in America, should the liberty be given him to have his dues and discount returns from all publishers of his charming books. The cheaper the publication within the limits of reason, the greater the sales and the larger the profits.

It will be found that a better order of books will be published if authors are sure of having the whole market for the sale of their products. Certain works of speculative genius or scientific depth need the readers from all nations to secure a paying return, and England or America is too small sometimes to defray the expense of publishing a work of first-class merit. England nearly starved out that masterly thinker Herbert Spencer, and not the justice of America, but the generosity of Americans, came to his rescue and enabled him to go on with this enterprise. I see here to-night the author of a great Church history that ought to make him independent, and if Dr. Schaff had his due from all Christendom who read him, he would have money to lend as well as to live upon, instead of being

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probably limited mainly to his salary as theological teacher. I have been asked to translate and publish Rothe's great work on Theological Ethics, the greatest book of our time on that subject, but if I had the time and learning for the task, the sale of three volumes in America would not pay me a dollar a day for my labor, or keep soul and body together. Let all the readers of the best class of books contribute together to compensate authors, and a higher grade of literature would appear, and researches that can now be pursued only by men of fortune like Prescott, Bancroft, and their peers, would be open to all men of adequate ability whom publishers could assure of a sufficient market for their works, and enable them to prepare for the task.

Dr. Osgood thought that society at large would be the gainer by allowing men of letters to have the fair profit of their works. Mind is more than money, yet money is a very nice thing for mind to have at its command. There was a good deal of meaning in the act of the poor parson who borrowed ten dollars every Saturday night, and handed it back every Monday morning, and when asked why he borrowed money that he did not use, replied that he liked to know that he had the money in his pocket while he was preaching, for it made him feel more like a man to have it there. It would be well to give Brains the means of meeting Bullion on a more equal footing in the world, and while many of our moneyed men had a liberal spirit, as a class they were too narrow and domineering, and would be much improved by the influence of a class of men of letters with culture, and fame, and also the income to enable them to dispense a generous and refined hospitality, in homes open to genuine worth, above the rule of caste and the dynasty of dollars.

He ended by wishing for the day when literature, which is the most generous and humane of arts, should be freed from the piracy that has been driven from all other spheres, and our motto should be "Fair Trade and Author's Rights."

THE HON. HORACE GREELEY

was here called upon, and, taking the platform, made a most effective and characteristic speech, in which he reviewed the right and wrong of the question, and with good-humored satire exposed the fallacies and selfishness of the various pleas set forth by the opponents of International Copyright. Mr. Greeley's remarks greatly enlivened the meeting, and it is a matter of regret that they were not reported for publication.

The Rev. Philip Schaff, D.D., was the final speaker. His remarks were brief and to the point.

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SPEECH OF PHILIP SCHAFF.

Three arguments may be urged in favor of an International Copyright,—a material, a legal, and a moral, or interest, justice, and honor. I would place the first lowest and the last highest.

Literature, it must be admitted, is no ordinary merchandise. Like virtue, it carries in itself the best reward. When it is cultivated from mercenary motives, it loses its moral force. The greatest authors died poor, and yet made many rich, and enjoy the gratitude of posterity in proportion to the disinterestedness of their labor. An author writes from a free impulse for the purpose of spreading truth and useful information among his fellow-men. He seeks first of all the kingdom of truth. For my own part, I feel grateful to foreign publishers and translators for extending my sphere of usefulness by the republication of half a dozen of my works, although I derived no benefit from them, except from German publishers in three or four cases. It is better for the world that a good book should be reproduced in foreign lands and tongues, without profit to the author, than that it should be confined to his own country.

Nevertheless, "the laborer is worthy of his hire," and this applies to mental as well as physical labor. Literary property, next to moral character, is the highest kind of property. And if the right to literary property holds good anywhere, it holds good everywhere within the bounds of civilization, subject only to such limitations as the interests of civilization require. This principle is now universally conceded in Europe. We acknowledge it ourselves as far as our own country is concerned. Why should we any longer refuse to extend it to other countries? The very first object of government is to protect the rights of person and property, as far as its influence extends.

But I would urge mainly the consideration of national honor. We do ourselves great injustice as long as we deny to foreign authors and publishers what we would have them do to our own. It is mortifying to our pride and just self-respect to hear our publishers so often denounced abroad as a set of literary pirates. American publishers, as a class, are as honorable and highminded men as any on the globe. But the whole profession is unjustly made to suffer from the absence of a law that would effectually shield them against reproach and calumny, as well as against the temptation to take advantage of the absence of such a law.

Our government then owes it to its own dignity, to the reputation and higher interests of our authors and publishers, and to the claims of modern civilization, to enact an International Copyright. Let it lose no time to enter, either by treaty or reciprocal legislation, into an arrangement similar to the one which already exists between England,

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Germany, and France. If literature is the true glory of a country, then we have a right to demand from our government to be the foremost in extending the protection of its laws to the cause of letters and arts. Then we may expect a literature to grow up in this country that shall answer to the vast expanse of our territory from ocean to ocean, the genius of our institutions, and the noble destiny of our nation as the central and most universal nation on earth.

The resolutions presented by Mr. Parton were here unanimously adopted, and the following agreement was presented for signatures to those present, and received a large number of names:

INTERNATIONAL COPYRIGHT ASSOCIATION.

We, the undersigned, agree to unite in a Copyright Association, for the protection and advancement of Literature and Art, and the committee in charge of the present meeting are requested to call an early convention of enrolled members.

It was stated that this agreement would remain open for signatures at the office of Mr. Putnam, No. 661 Broadway, and the meeting then adjourned.

EDMUND C. STEDMAN,
Secretary of the Meeting.

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APPENDIX.

I.

THE RIGHT OF COPYRIGHT.

A CONCISE STATEMENT OF THE QUESTION, BY S. IRENÆUS PRIME.

[*From Putnam's Monthly Magazine, for May*, 1868.]

1. Proudhon's motto was, "Property is robbery." He denied the *right of property*. All things, in his view, belong to all men in common. The earth, the air, fire, water, the natural forces, all sources of wealth, are common stock, and the results of their use are the universal heritage of mankind.

2. H. C. Carey has promulgated a theory of copyright substantially on the same basis. Ideas are the common property of mankind. Facts are everybody's facts. Words are free to all men. He says: "Examine Macaulay's *History of England*, and you will find that the body is composed of what is common property." He says the same of Prescott, Bancroft and Webster: "They did nothing but reproduce ideas that were common property." Of Scott and Irving he says, they "made no contribution to knowledge.

3. Therefore, the author of a book has no right of property in the book he has made. He took the common stock and worked it over; and one man has just as good a right to it as another. A law to give an author the exclusive control of his book is not founded in justice. The public are deprived of their rights, if the author is allowed to be the *owner* of his own works. Property in books is robbery.

4. There is no substantial difference between the Proudhon theory of *no property*, and the Carey theory of *no property in books*. The first breaks down all business; the second destroys all business in books. If Smith shall have the same right with Jones to the house Jones builds, Jones will not be apt to build houses. If Carey has the same right to Motley's "History" that Motley has, Motley will not be inclined to write histories for Carey.

A disciple of Carey has recently put forth a pamphlet, in which he takes the position that "the word *property* is only applicable to material substances;" and a "person's ideas or thoughts are his intellectual property only so long as they remain unuttered, and unknown to others." It is a reproach upon our country, and upon the Christianity of our age, that a doctrine like this is avowed by any civilized man among us. Noah Webster defines the word thus:

Property.—The exclusive right of possessing, enjoying, and disposing of a thing; ownership. Prior occupancy of land and of wild animals,

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gives to the possessor the property of them. The labor of inventing, making, or producing anything, constitutes one of the highest and most indefeasible titles of property.

And that no possible misunderstanding may arise as the meaning, he defines again:

Literary Property.—No right or title to a thing can be so perfect as that which is created by a man's own labor and invention. The exclusive right of a man to his literary productions, and to the use of them for his own profit, is entire and perfect, as the faculties employed and labor bestowed are entirely and perfectly his own. On what principle, then, can a legislature or court determine that an author can enjoy only a *temporary property* in his own productions? If a man's right to his own *property in writing* is as perfect as to the *productions* of his farm, or his shop, how can the former be abridged or limited, while the latter is held without limitations? Why do the productions of manual labor reach higher in the scale of rights of property than the production of the intellect?

5. Civilized society has recognized the right of property in all ages and lands, even independently of the eighth and tenth commandments. The right of an author to the fruit of his labor and intellect is as perfect and indefeasible as the right of the farmer to his crop. Common materials are employed by men of all pursuits, but whatever each man's industry, genius, or skill produces is *his own*, his property; and he who takes it from him without his consent, or uses it against his will, is a thief and a robber. This is the essence of property in an invention, or a photograph, or a map, or a book.

6. Therefore, law shields an author by a *copyright*, and all persons are restrained from publishing his works without his consent. The historian composes his history, and has an exclusive *right* to it. The poet owns his own poem. The dramatist owns the drama that he writes. The author has law to shield him against robbery, as the merchant or farmer has. This right is not a concession by society to the author, as Mr. Carey says it is. The right is absolute and intrinsic as any other right recognized among men.

7. Limiting the time during which this right of the author shall continue to be recognized by law, is an error arising from the confusion of ideas as to the nature of the right. The right being perfect, and all rights and duties being reciprocal, it is the duty of government to make their protection co-extensive with the right, which is perpetual. When it is made legal for a man to live rent free in a house after he has paid rent for it twenty-eight years, or to have a newspaper for nothing when he has been a paying subscriber forty years, then, but not till then, should authors be deprived of their property, after the public has paid for the use of it a limited number of years.

8. American authors have a just claim upon their government for such legislation as will enable them to enjoy the benefit of their works, when they are wanted in foreign countries. Such protection requires reciprocity; and if it be just to American authors to secure their rights in foreign lands, it is right and necessary that foreign authors have corresponding protection in the United States.

9. An International Copyright law is, therefore, simple justice

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between man and man. The author's *moral* right being perfect, as the right of any other person to his property, government is bound to make the *legal* right commensurate therewith. Unless we make war upon all property, and abolish the distinctions of *meum* and *tuum* altogether, we must admit the duty of governments to secure the rights of authors in their property at home and abroad. And as law protects the American merchants' gold in London, so should law, by reciprocal legislation, make the author's right to his property equally secure.

10. The slave trade, once regarded as a moral and respectable traffic, was prosecuted by the best men in the Church and world.

Lotteries were once legal and reputable, and the government, churches, schools, and individuals participated in their profits without scruple.

Now the slave trade is justly punished as piracy, and lotteries as gambling and robbery. But the slave trade and lottery are now no more in reality offensive to good morals than they were when both flourished under the wing of the Church and the State. The public conscience having been enlightened and quickened, it is now a subject for wonder that honest and honorable men were ever engaged in either. It is hardly credible, but it is true, that the good people of Newport, Rhode Island, had twelve ships trading at one time with Cuba and Surinam, "bringing molasses to be distilled into New England rum, which was sent to Africa in exchange for negro slaves."

When the public conscience is awakened to the right of authors in their works, the Carey theory will be looked upon by all conscientious persons as flagitious and immoral as Proudhon's doctrine or the Newport trade in rum and negroes.

Then government will not suffer its people to plunder a foreign author, nor allow its own authors to be plundered in foreign lands; and then no honest publisher will violate the right of an author, whether the law shields him or not.

11. It is always for the interest of individuals and communities, in the long run, to do right; It never is for their interest to do wrong. In this case the interests of the publisher, the printer, the paper-maker, and the reader, are promoted by doing justly by the author. The partial protection of an author's rights which the law now gives is a powerful stimulant to literary laborer. Literature cannot be a profession without it. Men will not plant orchards, if the fruit is free to all comers. Men will not devote their lives to making books unless they can live by it. The Copyright Law gives them this security. And an International Copyright law would add a market, in many millions of people, to that now enjoyed by American authors. This encouragement would enhance the production in proportion to the new demand. The amount of British literature offered to our market would be vastly increased; and American authorship, protected throughout the realms of the English language, would hasten to win the same triumphs that American genius has achieved in the mechanical arts. The healthful competition in the manufacture of books thus stimulated would keep down the prices to the lowest remunerative point, and the extended field would furnish a demand for books so vast as to require all the energies of our book trade to supply.

In this case, as always, "Honesty is the best policy." And degrading

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as it it is to appeal to such a sentiment where the right is so palpable, we may rejoice in the fact that the *interests* of publishers and readers are here identical with the rights of authors.

NOTE—*by a Publisher.*

* One of the most specious and effective arguments reiterated against international justice in this matter, is the statement that, if British authors are paid for the use of their books in this country, an enormous addition will be made to the price of the books—that we shall have to pay the price of new books in England—a guinea and a half for a novel, &c., &c.

The fallacy, not to say dishonesty, of this statement, may be readily shown by any intelligent and candid publisher.

The copyright of an English book being vested in an American citizen, and the book being manufactured in this country (as Mr. Baldwin's bill proposes), it will be for the *selfish* interest of the publisher to adapt the book to the taste and means of the largest number of purchasers—in just the same way as he would manage a book by the American author.

When it is evident that the sale of five thousand, ten thousand, or fifty thousand copies at a dollar will "*pay*" better than five hundred copies at five dollars, the publisher's *policy* is self-evident. His interests are identified, both with those of the author and with those of the great mass of readers. To illustrate this obvious truth, it is sufficient to mention the last new and notable copyright book—Beecher's "Norwood." It was competent for Mr. Bonner, owner of the copyright, or the monopoly, and Mr. Scribner, the publisher, to determine that the price of the book shall be three or five dollars, and nobody could say nay. What do they do? They voluntarily and wisely sell it for a dollar and a half—a *less* price actually than is now asked for most reprinted books of the same size which pay *no* copyright; and yet the author in this case is not merely justly, but very liberally compensated. The publisher makes the book at a moderate price, because he makes more money by doing so.

Again: it is the publisher's obvious policy now, and it would continue to be, under an international law, to adapt his books to the market. If there is a call for fine editions as well as cheap ones, he will make those also. Another copyright-book may be mentioned—"Irving's Sketch Book." The publisher finds it expedient to make an edition of this at twenty dollars per copy; but he offers the buyer, at the same moment, other editions of the same book, at ten dollars, at two dollars, and at seventy-five cents. Each of these, observe, is a copyright-book, and the author's part is the same. These specimens illustrate a general principle.

Suppose an international law should cause a slight increase of price in order that the author may be compensated: will the reader grudge this?

But the payment by the publisher of five or ten per cent, or of a fixed sum, for the copyright of a book, whether by an American or a British author, under the proposed law, *does not* necessarily increase the

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price of a book. It is not so much a tax on the purchaser as it is a premium paid by the publisher for greater security to property in which he invests money for himself and his children.

This security, as Mr. Baldwin shows in his report, will inure to the benefit rather than the injury of all classes of readers, as well as of author and publisher.

II.

LORD MANSFIELD'S OPINION.

LETTER FROM ALBERT MATHEWS, ESQ.

NEW YORK, May 8th, 1868.

MY DEAR SIR:

Agreeably to your suggestion I will endeavor to help the good work you have in hand by copying out for your pamphlet some of the reasons of LORD MANSFIELD, on the subject of literary property, in the very celebrated case of *Millar* vs. *Taylor* (4 Burrows Rep. p. 2,396), decided in 1769. I have always thought that his masterly treatment of the subject should be the "text" of all writers who treat upon it. It is based on the immutable principles of justice and defies the tooth of time. The reasoning of this decision is very full and elaborate, and I think, to every lawyer at least, quite conclusive. I shall omit all the technical and most of the legal arguments in the epitome I present, as not within the scope of this communication, and confine my humble labors to a summary of the more general and abstract views. The case arose upon the claim of one Millar, a publisher, who had purchased of the author, Thomson, the copyright of the poem "The Seasons." After the expiration of the term limited by the statute of Anne, one Taylor published an edition of the poem without Millar's consent. Millar claimed a *perpetual copyright* in the poem, and brought this suit to recover damages.

Lord Mansfield said: "I use the word COPY in the technical sense, to signify an *incorporeal right* to the *sole* printing and publishing of somewhat intellectual, communicated by letters." "No *disposition*, no *transfer* of *paper* upon which the composition is written, marked, or pressed (though it gives the *power* to print and publish), can be construed a *conveyance of the copy* without the author's express *consent to 'print and publish,'* much less against his will. The property of the copy *thus narrowed*, may equally go down from generation to generation, and possibly continue forever; though neither the author nor his representatives should have any manuscript whatsoever of the work, original, duplicate, or transcript."

"Mr. Gwynn was entitled undoubtedly to the *paper* of the transcript of Lord Clarendon's history, which gave him the *power* to print and publish. This might have been the only manuscript of it in being. Mr. Gwynn might have thrown it into the fire had he pleased. But at the distance of nearly a hundred years the *copy* was adjudged the property of Lord Clarendon's representatives."

"If the copy belongs to an author *after* publication, it certainly belonged to him before. All the metaphysical subtleties from the nature of the thing, may be equally objected to the property before. It is *incorporeal;* it relates to ideas detached from physical existence. There are

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indicia; another may have the same thoughts upon the same subject, and expressed them in the same language *verbatim.* At what time and by what act does the property commence? The same string of questions may be asked upon the copy before publication."

"From what *source*, then, is the *common law* drawn, which is admitted to be clear in respect of the copy *before* publication?" "Because it is *just* that an author should reap the pecuniary profits of his own ingenuity and labor. It is *just* that another should not use his name without his consent. It is *fit* that he should judge when to publish or whether he will ever publish. It is fit he should not only choose the time but the manner of publication, how many, what volume, what print. It is *fit* he should choose to whose care he will trust the accuracy and correctness of the impression; to whose honesty he will confide not to foist in additions." These are "*sufficient* to show it is agreeable to the principles of right and wrong, the fitness of things, convenience and policy, to protect the copy *before* publication. But the *same* reasons hold *after* the author has published. He can reap no pecuniary profit if, the next moment after his work comes out, it may be pirated upon worse paper, and in worse print, and in a cheaper volume. The author may not only be deprived of any *profit*, but lose the expense he has been at. He is no more master of the use of his own *name.* He has no control over the correctness of his own work. He cannot *prevent additions.* He cannot *retract errors.* He cannot *amend or cancel* a faulty edition. Any one may print, pirate and perpetuate the imperfections, to the disgrace and against the will of the author; may propagate sentiments under his name which he *disapproves, repents* and is *ashamed of.* He can exercise no discretion as to the *manner* in which or the *persons* by whom his work shall be published." "All the objections, which hold as much to the kind of property *before* as to the kind of property *after* publication, go for nothing; they prove too much. There is *no peculiar* objection to the property *after* except 'that the copy is *necessarily made common* after the book is published.' Does a transfer of paper upon which it is *printed* necessarily transfer the copy more than the transfer of paper upon which it is *written?* The argument turns in a circle. 'The copy is made common because the law does not protect it; and the law cannot protect it because it is made common.' The author does not mean to make it common; and if the law says 'he ought to have the copy after publication,' it is a several property, easily protected, ascertained and secured. The whole then must finally resolve in this question, 'Whether it is agreeable to *natural principles*, moral *justice* and *fitness*, to allow him the copy *after* publication as well as *before.*' The *general consent* of this kingdom for ages is on the *affirmative* side. The *legislative* authority has *taken it for granted*, and interposed *penalties* to *protect it for a time.*"

"The single opinion of such a man as Milton, speaking after much consideration upon the very point, is stronger than any inferences from gathering acorns and seizing a vacant piece of ground; when the writers, so far from thinking of the very point, speak of an imaginary state of nature before the invention of letters."

After numerous other illustrations and legal arguments, Lord Mansfield finally decides there is a *legal property in authors*, independent of the statute of Anne, or any thing done in conformity with it. Unfor-

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tunately for the welfare of mankind, this just doctrine was overturned in the House of Lords, in 1774, by the case of *Donaldsons* vs. *Beckets*. The vote was 22 to 11; the judges or "law lords" nearly all voting in the minority. This irreparable damage to the cause of learning and literature was chiefly owing to the sophistical declaration of Lord Camden; and the enemies of International Copyright from that time have done little but repeat his arguments. Their mischievous success is their chief title to respectful consideration.

Very respectfully, yours, &c.,

To GEORGE P. PUTNAM. ALBERT MATHEWS.

III.

THE COPYRIGHT QUESTION AS IT STANDS.

BY RICHARD GRANT WHITE.

Simply, of itself, could there be a clearer, plainer matter than this one of copyright? A man invents, after long effort and many failures, a kind of wheelbarrow, serviceable, handy, labor-saving. If you would honestly use the fruit of his time, his labor, and his inventive faculty, you must pay him his price. Another man, with much expenditure of time and money, in the culture of what faculty of thinking and thought-utterance he may have been born with, produces, after long brooding and sore travail, a book, which is not only his production, but his child—a part of himself—brought forth from himself—a something, to the making of which he has given not only the needful labor but the material. What substance and life there may be in it are not only his, but himself. If you use that book, not having paid him his price therefor, can you afterwards meet him, can you behold your own unnatural face in a glass without blushing? Is the laborer worthy of his hire, and the creator—he who is both laborer and that which is labored upon—unworthy? With him who denies, or hesitates about this right, it is necessary to begin at the beginning, and do one of two things—either civilize him up to the point at which he can apprehend a right to that which may be neither seen nor touched—a right incorporeal, or dispute with him upon the righteousness of the command, "Thou shalt not steal."

All this seems plain enough; but unfortunately for the wholesome conclusion to which it tends, an author's—a native author's—copyright rests neither in Great Britain nor in the United States upon this simple, solid ground. In equity it rests there; and so it does at common law. But since the passage of that accursed statute of Queen Anne, known in the reports as "8 Anne, cap. 19," the courts and the lawyers have assumed that an author's right in his copy exists in virtue of that Act, or of some one framed upon it, by which, for the gracious encouragement of learning, copyright—that is, a right in his copy, his book—was conferred upon and vested in the author. Now if this assumption is well grounded, if it be true that an author's right to say upon what terms people shall have copies of his books, is born of a statute, the British author has no ground of complaint that his books are printed and sold in the

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United States without profit to him, and without his consent, because in that case he has suffered no wrong. Both countries have the same English common law; but British statute law can confer no rights in the United States. It is a maxim of law that there is no wrong without a remedy. To turn this maxim round and say, "Here is no remedy, therefore there has been no wrong," might in some cases make the judges stare. But where a right exists in virtue of a statute, there is of necessity a remedy; and if copyright exists only in virtue of some statute, then what need of words to show that where copyright is set at naught and cannot be enforced, there has been no wrong? If the British author and the British publisher get all that the law gives, under which the one writes and the other publishes, and in virtue of which they claim payment, then they have all that is theirs. As to what goes on beyond the reach of an Act of Parliament, that is none of their business. If they receive any more money than comes to them lawfully in virtue of a right created by law, and which was one of the chief conditions upon which they undertook their risk, that more is sheer overplus —a windfall, gift of the gods, or whatever one may please to call some bounty that comes we know not exactly whence or why, but goes we know exactly whither. What is true in this respect of British authors and publishers, is, of course, equally true of their "American" brothers and rivals.

But what man of common sense and single eye does not see that the assumption of the lawyers is absurd, monstrous?—that an author's right in the use of his works is not statutory; that copyright is not created by Act of Parliament or Act of Congress? That statute of Queen Anne of blessed memory, created no right; it destroyed: it conferred nothing; it restricted: it did not give; it took away: for copyright is, as we have already seen, chiefly of all rights of property, a natural right, one that in the very nature of things pertains to the maker of the copy, the author. That a man's thoughts are his own cannot be disputed, and, like the plainest truths, it can hardly be proved. But they cannot be even possessed by or in the knowledge of another, except he communicates them. Does he lose his right of property in them by putting them upon paper? This is not a question of opinion; it is a question of fact. He puts his manuscript into his drawer, and there it is his exclusive possession, and in his exclusive knowledge—a thing quite out of reach of all other men, except in a country where it may be lawful and usual to break open a man's enclosure, and take his private papers, to your own or to the public benefit. Does he give up his right in it by allowing you to read it, or to make a copy for your own benefit? No; for however it may be with regard to the spontaneous fruits of nature; the products of human industry, which are the results of labor and contrivance, are owned by a right which must be respected, unless it has been expressly and openly renounced. The writer of a manuscript can fix the conditions upon which it may be used by other persons. Those conditions may be unwise and unkind; they cannot be unjust, for a man may do what he will with his own, and they cannot be disputed. He says to the public, "You wish to have the pleasure or the instruction to be derived from the reading of my book. Well, do you, through your Government, secure to me the receipt of a certain proportion of

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the money for which each copy may be sold, and I will print my book and publish it; otherwise, back goes my copy into my drawer, or here it goes into the fire!"

Circumstances, common sense, and an ordinary knowledge of the world, may be relied upon to procure for the public the reading of his book without the payment of an exorbitant price to the author: for, by insisting upon the latter, he would defeat his own interests. Without publication, the book is useless to him as a means of getting a return for his labor. This obvious condition of the case was well made by Mr. Justice Aston, of the King's Bench, an all-sufficient answer to the argument gravely put before that court—and which is still sometimes heard—that an author, by publication of his book, makes the copy common. In other words, the act necessary to making a book useful and profitable to its author is construed to be destructive of his property in the results of his labor! Surely such an argument is worthy only of men too uncivilized, or too dull-brained, to see that a man may sell the use of a thing without selling the thing itself; or part with a certain right in it without giving up all his rights; and that an author, in publishing and selling his book, sells to each buyer a certain use only of the book. He sells the paper, the print, and the binding absolutely, but the book conditionally—that is, he sells the volume, and the use of it, but not the copy. He does not, by publication, openly renounce his natural right in the fruits of his time, his thought, and his labor, without which open renunciation all such natural rights are presumed to be reserved and retained.* Now this right in his copy he *can* sell, or give, or bequeath. Unless he can do this with it, it is not his; he is not in its full possession; he has merely the usufruct of his work, a life interest, or an interest more or less limited. To say which, with regard to that which a man has not only produced by labor, but has made, as no man ever makes a ship or a house, or a bale of cotton, is absurd, and, more, is shameful. An author clearly has a natural right to sell all that he owns. This is no privilege, or peculiar right of his: he has it in common with all other men. He has, therefore, the natural right to sell, or to transfer for any consideration whatever, his absolute control over his copy. The person to whom it is transferred, having acquired all the author's rights, can transfer them to another, and he in his turn to another, and so forth, as long as there is any thing to be transferred. So it is with a house or a ship that a man has built; and why it should not be so with a book that he has made, no one can say, or at least has hitherto said, except upon grounds that invalidate the possession of all property. Then comes a time when the house and the ship deteriorate in value, and finally become so worthless, that there is nothing in them worth buying; and so it would be with the copyright of a book. But then there are some books that seem to be of immortal worth. Well; and then let him who owns them profit by them, as if he owned a noble, imperishable house. But this profit will not then go to the author. What if it do not? Did the Duke of Richmond build Belvoir Castle? The conclusion is that copyright, if it is not created and conferred by statute, is a natural, absolute, and perpetual right. That it existed, and in the nature

* "Barbeyrac, Notes on Puffendorf." Maugham, p. 10.

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of things must have existed, before the making of any law upon the subject, we have seen, I trust, with sufficient clearness. But let us see what the statute of Anne is, what it pretended to do, and what was the author's relation to his copy before the passing of that Act, and let us consider the last point first.

The common law of England recognized the natural, absolute, and perpetual right of the author in his copy; and this right was transferred by him, and bought and sold without limitation, until the Act of Queen Anne became British law upon this subject. Books were entered by their titles and their author's names upon the "Stationers' Register," as belonging to certain persons, and if these persons sold them to others, the transfer was made upon that register. The register and the transfer made the person recorded as the owner of the book its legal proprietor, with the sole right of printing it; and the duration of that right was without limitation, expressed or implied. The business of authors, and especially of stationers (as publishers and booksellers were then called) was conducted upon this recognized practice of the trade, this acknowledged right at common law. This custom was proved in the case of Millar *v.* Taylor, for the violation of the copyright of Thomson's "Seasons," which was tried in 1769, and in a special verdict, the jury found:

"That before the reign of her late Majesty Queen Anne, it was usual to purchase from authors the perpetual copyright of their books, and to assign them from hand to hand for valuable considerations, and to make the same the subject of family settlements for the provision of wives and children."*

So much for the notion that copyright is not a natural, but a statutory right, a right created by Act of Parliament, which has but recently been seriously put forth. Sir Thomas Clarke, Master of the Rolls, said in 1761, "It is not necessary to determine whether authors had a property in their works before the reign of Queen Anne. If they had not, it was a reproach to the law." But it is clear that they had this right. What the Queen Anne Act did was, under the pretence of the encouragement of learning, by securing copyright to authors and their representatives, and enabling them to enforce those rights—to restrict, diminish, and limit the rights of authors in their books, to lay burthens upon them, and even to control the prices which they should ask for the fruit of their own labors. The title of the Act is, "An Act for the Encouragement of Learning, by vesting the copies of Printed Books in the Authors, or purchasers of such copies during the times therein mentioned." Remembering that the copies were already vested in the authors by natural right, and at common law in perpetuity, and considering that the first section of this law assumed to confer upon the author of a book, or upon his representative, the sole right and liberty of printing such book "for the term of twenty-one years" in certain cases, and others, "for the term of fourteen years, *and no longer*," we see that this Act gave nothing in the way of copyright, and took away much. It gave something in making it easier for the author or the publisher to enforce his right, which from the loose and piratical practices of the

* Maugham, p. 16.

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trade was subject to depredation, against which it had long been difficult for him to protect himself. This liability to robbery was the only need for legislation upon the subject, as far as "the encouragement of learning" was concerned. Parliament might as well for the encouragement of building have passed an Act providing that every man who built a house should have an undisputed right to live in, rent, or sell it for fourteen years, and no longer. But, in addition to this curtailment and restriction of the author's property in his book by natural right and at common law, the Act required every bookseller to sell his books at a price not deemed "too high and unreasonable" by the Lord Arch-bishop of Canterbury, the Lord Chancellor, and ten other dignitaries of the realm, either one of whom could, upon complaint and after hearing, compel the bookseller to reduce his price to one that seemed just and reasonable to the dignity aforesaid, and to pay the costs of the proceeding. It also provided that nine copies, on the best paper, of every book published should be given by the author and the publisher to the libraries of certain Universities and Faculties, in default of which the copyright should fail, and the bookseller should be fined. All copyright laws in Great Britain and the United States are mere modifications of this beneficent and beautiful enactment of Queen Anne's day, which diminished the author's rights, and laid burthens upon him and his business partner, the publisher, for the encouragement of learning. One copy of each book only has been demanded hitherto in the United States—that deposited as the book, copyright of which is claimed. But some years ago Congress passed an Act requiring a copy to be given to its own library, in default of which the author loses his copyright: a most unrighteous act. Upon what pretence can Congress go to Mr. Longfellow, and say, give us a copy of each one of your books, or you shall have no property in all the other copies. But this is all in keeping. If Parliament and Congress give authors the right to the enjoyment of the fruit of their labours, then Parliament and Congress, of course, may make the conditions of their gift, or, be it remembered, they may refuse the gift altogether, and on any terms whatever; and if the author's right in his copy is merely statutory, then the British author has no grounds of complaint that his books are printed without profit to him in the United States, because there British statutes have no force, and there no rights can exist by Act of Parliament.

The remedy for all this confusion and wrong is a simple one. No legislation is needed—that is, none of a positive character; no act for the encouragement of learning, of which we have had quite enough. Let Parliament and Congress simply repeal in ten words all copyright laws, and the British author's right to his book in the United States, and the "American" author's to his in Great Britain, would be as absolute and defensible as Sir Edward Cunard's is in one of his steamers, whether it be in New York or Liverpool; and if it were deemed necessary to restrict the duration of copyright, although the necessity of the restriction is not easy to be discovered, to the few words of repeal there might be added a few others to the effect that for the benefit of the buyers of books, no author's right in his copy shall exist for a longer period than sixty years, or during his own life, and that of his heir or heirs-at-law living at the time of his death. Until

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this step or its equivalent is taken, and the author's right is recognized as one not created, but modified and restricted by statute law, British authors in the United States, and "American" authors in Great Britain, can have no standing, no claim based on right, but only an appeal *in misericordiam* to the compassion of the legislature of either country.—*From an article in "The Broadway," for May*, 1868.

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Copyright Association.

CONSTITUTION.

ADOPTED AT THE MEETING HELD MAY 4, 1868.

I. This association shall be called "*The Copyright Association for the Protection and Advancement of Literature and Art.*"

II. Its officers shall be, a President, seven Vice-Presidents, two Recording Secretaries, Corresponding Secretary, Treasurer, and an Executive Committee of Seven.

III. The duties of the officers shall be to carry out the objects of the Association in their several departments.

IV. These objects are expressed in the title of the association. The primary and special object shall be to promote, by all legitimate means, the enactment of a just and suitable International Copyright Law, for the benefit of authors and artists in all parts of the world.

V. Meetings of the Association shall be held on the second Tuesday of each month, unless otherwise ordered.

VI. An election for officers of the Association shall be held at the October meeting of each year.

After the adoption of the above Constitution, the following ticket of officers was chosen, to serve until the meeting of October, 1868.

President:	W. C. Bryant.
Vice-Presidents:	H. W. Longfellow, of Mass.,
	G. H. Boker, of Penn.,
	W. G. Simms, of S. C.,
	F. Lieber, }
	G. W. Curtis, }
	H. Greeley, } of N. Y.
	F. A. P. Barnard, }
Treasurer:	Henry Ivison.
Recording Secretaries:	C. A. Spencer,
	A. D. F. Randolph.
Corresponding Secretary:	J. Parton.
Executive Committee:	S. I. Prime,
	S. S. Cox,
	G. P. Putnam,
	C. Scribner,
	E. G. Squier,
	E. C. Stedman,
	R. G. White.

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To THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

We, the undersigned, concerned in the production, manufacture, and sale of Books, Periodicals, Designs, and Objects of Art, request the early attention of your honorable bodies to the subject of International Copyright. We respectfully solicit the passage of a Bill such as, in the judgment of Congress, may best secure the rights of Authors, Artists, and Designers to control and derive profit from the multiplication of copies of their works in countries other than their own.

And your memorialists, &c.

March, 1868.

AGASSIZ, LOUIS, Author: "Natural History," etc., Cambridge, Mass.
ALDEN, WM. LIVINGSTON, Assoc. Editor: "Citizen," New York.
ALGER, W. R. Author: "Future Life," etc., Boston, Mass.
AMERICAN NEWS Co. New York.
ATWATER, E. R. "Christian Intelligencer," New York.
BABBITT BROS. Booksellers & Publishers, New York.
BARNES & Co. A. S. Publishers, New York.
BARRETT, Jos. H. Author: "Life of Lincoln," Cincinnati, Ohio.
BASSETT, ALLEN L. Publisher: "Northern Monthly," New York.
BATCHELDER, SAMUEL, JR. Author: "Young Men of America," Boston, Mass.
BEACH, E. T. P. Author: "Story of Pelayo," New York.
BEADLE & Co. Booksellers & Publishers, New York.
BEARDSLEY, E. EDWARDS, Author: "Episcopal Church," New Haven.
BEECHER, HENRY WARD, Author: "Sermons," "Norwood," etc., New York.
BEERS, ETHEL LYNN, Author: "Poems," Yonkers, New York.
BICKMORE, ALBERT S. Author, Cambridge, Mass.
BLACKBURN, WM. M. Author: "Calvin," etc., Trenton, N. J.
BOARDMAN, HENRY A. Author: "Bible in the Family," Philadelphia.
BOGART, WM. H. Author: "Life of Boone," Albany, New York.
BOKER, GEO. H. Author: "Poems," Philadelphia.
BONNER, ROBERT, Publisher: "New York Ledger," New York.
BOURNE, WM. OLAND, Editor: "Soldiers' Friend," New York.
BOYNTON, CHAS. B. Author: "History of Navy," Washington, D. C.
BRADY, FRED. A. Bookseller & Publisher, New York.
BRIGGS, CHARLES F. Author & Journalist, New York.
BRISTED, CHARLES ASTOR, Author: "English Universities," etc., New York
BRITTAN, S. B. Author: "Man in his Relations," New York.
BROWN, HENRY T. Editor: "American Artisan," New York.
BROWN, NATHAN, Editor: "American Baptist," New York.
BRUNS, HENRY M. Author & Prof. of Literature, Charleston, S. C.
BRYANT, WM. C. Author & Journalist, New York.

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BULFINCH, S. G. Author: "Evidences Christianity," Cambridge, Mass.

CALDWELL, S. C. "Methodist," New York.
CALVERT, GEO. H. Author: "Gentleman," Newport, R. I.
COXE, A. CLEVELAND, Author: "Christian Ballads," "Sermons," Buffalo, N. Y.

DANA, WM. B. Editor: "Merchants Magazine," New York.
DARLEY, F. O. C. Artist, Claymont, Del.
DAVIS, ANDREW JACKSON, Author: "Principles of Nature," Orange, New Jersey.
DAVIS, THEO. R. Artist, New York.
DENNISON, CHARLES. W. Author, New York.
DENNISON, MARY A. Author, New York.
DERBY, J. C. Publisher, New York.
DEWEY, CHESTER P. Editor: "Commercial Advertiser," New York.
DICK & FITZGERALD, Booksellers & Publishers, New York.
DUGANNE, A. J. H. Author: "Hist. Government," Albany, N. Y.
DUYCKINCK, E. A. Author: "Cyclop. of Amer. Lit.," etc., New York.

EMERSON, RALPH WALDO, Author, Concord, Mass.
EVANS, AUGUSTA J. Author: "Beulah," etc., Mobile, Ala.
EVERETT WILLIAM, Author: "On the Cam," Cambridge, Mass.

FISH, HENRY C. Author: "Pulpit Eloquence," Newark, N. Y.
FRANCIS, SAMUEL W. Author: "Physicians of New York," Newport, R. I.
FREESE, JACOB R. Author: "Travels in Egypt," Trenton, N. J.
FREMONT, JESSIE BENTON, Author: "Story of the Guard," New York.
FREMONT, JOHN C. Author: "Explorations," New York.
FULLER, R. F. Author: "Chaplain Fuller," Boston, Mass.

GAGE, FRANCES D. Author, New York.
GARRISON, W. P. "The Nation," New York.
GOULD, E. S. Author: "Good English," New York.
GRAY, ASA, Author: "Botanical Works," Harvard College.
GREELEY, HORACE, Author: "American Conflict," etc., New York.
GREENE, GEO. W. Author: "American Revolution," etc., New York.
GRISCOM, JOHN H. Author: "Use and Abuse of Air," etc., New York.
GROSS, S. G. Author: "Surgery," etc., Philadelphia.
GULICK, DAVID B. Engraver, New York.

HALL, JOHN, Editor: "Alexander's Correspondence," Trenton, N. J.
HALPINE, CHARLES G. Author: "Miles O'Reilly," etc., New York.
HAMMOND, WM. A. Author: Medical Works, New York.
HERTZBERG, CONSTANTINE, Artist, Brooklyn.
HIGGINSON, THOS. WENTWORTH, Author: "Out-Door Papers," Newport, R. I.

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HOLMES, MARIA J. Author: "Tempest & Sunshine," Brockport, N. Y.
HOLMES, OLIVER WENDELL, Author: "Autocrat of the Breakfast Table," etc., Boston.
HOPKINS, J. H. JR. Editor: "Church Journal," New York.
HOVEY, ALVAH, Author: Theol. Works, Newton, Mass.
HUNTINGTON, D. Prest. Natl. Acad. of Design, N. Y.

JERVEY, CAROLINE H. Author: "Vernon Grove," Charleston, S. C.
JOHONNOT, JAS. Author: "School Architecture," New York.

KEMBLE, FRANCES ANNE, Author: "Poems," etc., Germantown, Pa.
KING, DAVID, Newport, R. I.

LELAND, CHARLES GODFREY, Author: "Sunshine & Thought," etc., Philadelphia.
LEWIS, DIO, Author: "Physical Education," Boston, Mass.
LEYPOLDT & HOLT, Publishers, New York.
LIEBER, FRANCIS, Author: "Civil Liberty," etc., New York.
LIPPINCOTT, SARAH J. "Grace Greenwood," Author, Philadelphia, Pa.
LONGFELLOW, HENRY W. Author, Cambridge, Mass.
LOWELL, J. RUSSELL, Editor & Author: "North Amer. Review," Harvard College.

MATTHEWS, ALBERT, Author, New York.
MEDBERRY, JAMES K. Supt.: "Amer. Lit. Bureau," New York.
MILES, J. W. Author & Prof. of Classical Literature, Charleston, S. C.
MILLER, WOOD & Co. Booksellers & Publishers, New York.
MORRIS, WM. H. Author: "Infantry Tactics," New York.
MUZZEY, ARTEMAS B. Author, Cambridge, Mass.

NAST, THOMAS, Artist, New York.

OLMSTED, FRED. LAW, Author: "Slave States," etc., New York.
ORR, NATH'L. Engraver, New York.

PALFREY, JOHN G. Author: "History of New England," Boston, Mass.
PALMER, J. W. Author: "Up and down the Irawaddy," New York.
PARKMAN, FRANCIS, Author: "Jesuits in North America," Boston, Mass.
PARSONS, THEOPHILUS, Dane Prof. Law, Harvard—author of "Law of Contracts," etc.
PARTON, JAMES, Author: "Famous Americans," etc., New York.
PARTON, MRS. JAMES, Author: "Fanny Fern," etc., New York.
PAULDING, W. J. Author: "Life of Paulding," etc., Cold Spring, N. Y.
PEABODY, A. P. Author: "Religion of Nature," Boston, Mass.
PERKINS, FRED. B. Journalist & Author, New York.
PERRY, GEORGE, Editor: "Home Journal," New York.
PHILES & Co., GEO. P. Booksellers & Publishers, New York.
PHILLIPS, MORRIS, Editor: "Home Journal," New York.

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PORTER, NOAH, Author & Editor: "Webster's Dictionary," Yale College.
POWELL, A. M. "Anti Slavery Standard," New York.
PRIME, S. IRENÆUS, Author & Editor: "New York Observer," New York.
PUTNAM & SON, G. P. Publishers, New York.

RANDOLPH, A. D. F. Publisher, New York.
ROE, A. S. Author: "I've been Thinking," etc., East Windsor Hill, Conn.
ROOSEVELT, ROBERT B. Author: "Superior Fishing," etc., N. Y.
ROSSITER, T. P. Artist, Cold Spring, N. Y.
RUSCHENBERGER, W. S. W. Author: "Voyage Round the World," etc., Phila.

SAXE, JOHN G. Author: "Poems," Albany, N. Y.
SCRIBNER & Co., CHARLES, Booksellers & Publishers, New York.
SHEDD, WM. G. T. Author: "Philosophy of History," etc., New York.
SILLIMAN, BENJ. Author: "Chemistry," etc., Yale College.
SIMMS, WM. GILMORE, Novelist, Charleston, S. C.
SPENCER, CHARLES AMES, Author, New York.
SPENCER, J. A. Author: "History of United States," etc., New York.
SPRAGUE, WM. B. Author: "American Pulpit," Albany, N. Y.
SQUIER, E. GEO. Author: "Nicaragua," New York.
STEDMAN, EDMUND C. Author & Journalist, New York.
STODDARD, R. H. Author, Journalist, New York
STREET, ALFRED B. Author: "Poems," etc., Albany, N. Y.

THOMPSON, JOSEPH P. Author: "Egypt," "Christian Graces," etc., New York.
TICKNOR & FIELDS, Publishers, Boston & New York.
TOMES, ROBERT, Author: "Champagne Country," etc., New York.
TOMLINSON, W. P. Author: "Kansas," New York.
TORREY, JAMES D. Bookseller & Publisher, New York.
TUCKERMAN, HENRY T. Author: "Criterion, Artist Life," etc., New York.
TUTHILL, LOUISA C. Author: "History of Architecture," etc., Princeton, N. Y.

VAN WYCK, CHARLES, "Christian Intelligencer," New York.
VAUX, CALVERT, Author: "Villas & Cottages," etc., New York.
VICTOR, METTA VICTORIA, Novelist, New York.
VICTOR, ORVILLE J. Historian, New York.

WALKER, JOHN R. Assoc. Editor: "Citizen," New York.
WALLING, H. F. Author & Prof. "LaFayette College," Easton, Pa.
WARING, GEO. E. Author: "Agriculture," Newport, R. I.
WAUD, ALFRED R. Artist, New York.
WAUD, WM. Artist, New York.
WEED, THURLOW, Editor: "Commercial Advertiser," New York.

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WELLS, SAMUEL R. Editor: "Phrenological Journal," New York.
WHITE, GEO. G. Artist, New York.
WRIGHT, JOS. J. Author: "Tales of the War," Boston, Mass.
WILLISTON, H. C. "Commercial Advertiser," New York.
WITHERS, FRED C. Author: "Church Architecture," New York.
WYMAN, JEFFRIES, Author: Scientific Works, Harvard College.

YATES, M. G. "Commercial Advertiser, New York.
YOUNG, WILLIAM, Journalist, New York.

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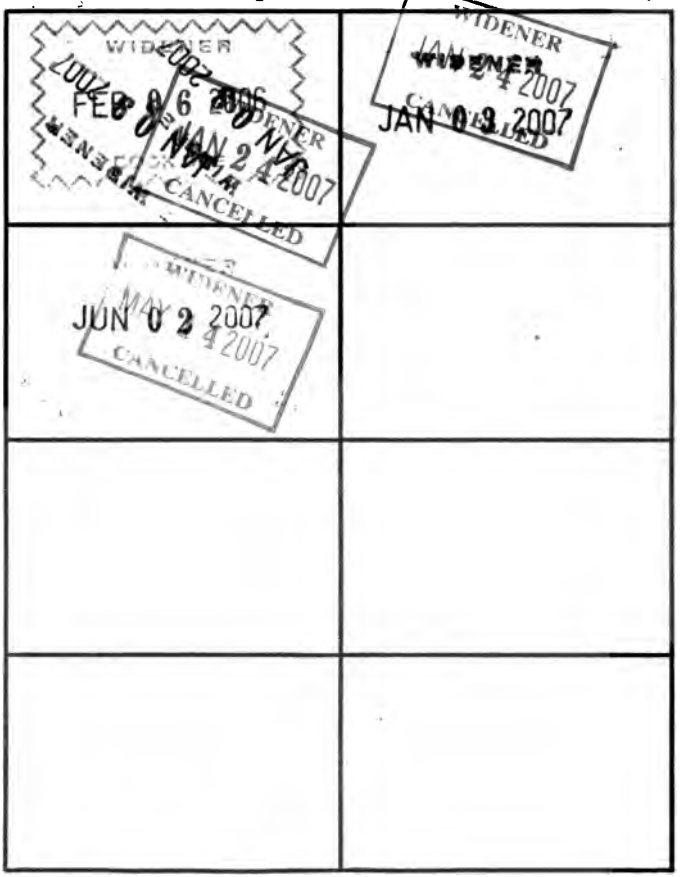

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